

Shaping the Current Islamic Reformation

EDITOR

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Shaping the Current Islamic Reformation

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Preface

The idea for this volume arose out of discussions in an editorial board meeting of *Mediterranean Politics* during which the editor of this collection suggested an assessment of where we are in the understanding of Islam and Islamic politics in the Mediterranean area. The authors that were approached have a scholarly overview of the Middle East and a specialist knowledge of particular aspects of the functioning of the region. Each of the authors was asked to take stock as to where he or she thought the state of our learning had arrived concerning some aspect of the evolution of Islam or Islamic politics in the region. While the following discussions do not have the pretention of offering a solution to the Middle East crisis—a crisis that has not only been enduring over the decades but seemingly unsolvable—it does provide more clearly and in greater detail an understanding of important aspects of Middle East religious, social and political structures and developments.

I would particularly wish to acknowledge the interest and support of the Editor of *Mediterranean Politics*, Professor Richard Gillespie, who has encouraged a number of informative special issues devoted to important subjects concerning the Mediterranean region. This volume is a tribute to the interest and camaraderie of the scholars and to their willingness to contribute to its purpose of filling existing gaps in the knowledge of the discerning public. I would also like to thank Lydia Linford at Frank Cass for being understanding, supportive and patient, and to Mark Anstee for his handling of attached documents, the form in which all of the material arrived for this volume, and all the other technical aspects. Lastly, acknowledgement of the creation and careful preparation of the bibliography must be made to Margaret Roberson for which there is much appreciation.

B.A. Roberson
Cambridge, Massachusetts
January 2003

Glossary

Note: Words with an asterisk are defined elsewhere in the Glossary.

Abbasid dynasty (750–1258)—as a result of the oppressive rule of the Umayyads, growing discontent led to a ‘revolution’ that formed the basis of the Abbasid dynasty, bringing descendants of the Prophet’s uncle, al-Abbas, into power. Within a comparatively short period, during the reign of Harun al-Rashid (786–806), signs of disintegration in the empire were seen with the fading of caliphate authority. By 847, caliphate power was periodically challenged and fragmented. By 945, the caliphate remained largely as a symbolic authority. With the invasion of the Mongols in 1258, the Abbasid dynasty was swept away in Iraq. See caliphate entry.

Akhbari—traditions of the Prophets and Imams as the source of religious knowledge. Within Imami or twelver shi‘ism*, there developed two views, Akhbari and *Usuli* (see twelver shi‘ism entry). The Akhbari stance rejected the thought of later jurists. Although this stance was part of Imami shi‘ism* from the earliest time, this school of thought (emerged in the twelfth century) coalesced into a separate movement from the seventeenth century and had its greatest influence toward the end of the Safavid period and after. At the end of the Qajar era, the *Usuli* school of thought overtook the Akhbari view. Essentially, the Akhbari school accepted the Qur’an* and Sunna* in matters of doctrine and law, while rejecting *ijtihâd**. Found in Bahrain, India, southern Iraq.

‘Alî (598–661)—first cousin of Muhammad, married to Fatima, Muhammad’s daughter, fourth caliph (656–661 CE) after the Prophet and first Imam according to Imami shi‘ism*. The last caliph* that both sunni and shi‘i agree upon and is revered by both.

‘âlim (‘âlima [f])—a learned scholar (‘ulamâ [pl]), see ‘ulamâ*.

Allah—the Arabic word for God. ‘Allah’ comes from the Arabic ‘al-Lah’, and can be translated as ‘the god’.

allahu akbar—‘God is Greatest’, ‘God is Greater’. It is heard five times a day in the call to prayer. Becomes an Islamist slogan.

amir al-mu‘minin—the commander of the faithful.

‘ammi—commoner.

‘aql—reason, intellect.

Al-Aqsa Mosque—includes the Al-Haram al-Sharif, otherwise known as the Noble Sanctuary or the Dome of the Rock to which Muhammad was brought by night and from which he ascended with the Angel Gabriel through the heavens to Allah and returned. The Umayyad Caliph, “Abdul Malik ibn Marwan, began in 685 CE constructing the Dome that covered the Rock. The Al-Aqsa Mosque, originally commissioned by him, was apparently completed by his son, Al-Walid, in 705 CE.

Some of these entries include extracts from the *Concise Oxford Dictionary of Politics*, Second Edition (2003), reprinted by permission of Oxford University Press.

Armé Islamique du Salut (AIS)—military wing of Front Islamique du Salut (FIS*) in Algeria.

*awqaf—waqf** [sing].

ayatollah (Ayat Allah)—‘a miraculous sign, a mark, an exemplar of God’. An honorary religious title in Imami shi‘ism*. This is a designation which came into use in the late nineteenth and twentieth centuries among the Imamis, or twelvers*, the majority tradition in Shi‘i Islam. Ayatollahs are found in Iran, Iraq and Lebanon. ‘Ayatollah’ denotes a religious scholar of outstanding quality and reputation. He is a *mujtahid**, a specialist in law who is capable of formulating through independent reasoning interpretations (*ijtihād**) in legal and theological matters based on the Jafari* school of jurisprudence. Grand Ayatollah (ayatullah al-‘uzmâ).

Azzam, Abdullah—Palestinian shaykh, educated in shari‘a and Islamic jurisprudence at Damascus and Al-Azhar. Argued that *jihād** is a duty until all lands that were Muslim are returned to Islam. Experienced the *jihād* in Afghanistan against the Soviet occupation. Killed in 1987 in Pakistan.

bai‘a—taking the oath, an oath of allegiance to a leader.

al-Banna, Hassan—founder of the Muslim Brotherhood* in Egypt in 1928. His focus was not on the intellectuals but on the man in the street. His approach was that through bringing Muslims back to a fuller understanding of Islam, to experience a spiritual awakening in their lives, that this would work to Islamize society which would eventually produce an Islamic system, including an Islamic state which would defend and protect Islam. He was assassinated in Cairo in 1949.

caliph or *khalifa*—successor, referring to those who came to rule in the aftermath of the death of the Prophet Muhammad.

caliphate or *khilafa*—government or state of the successors to the Prophet, of which there were two dynasties, Umayyad* and Abbasid*. The latter came to an end in 1258 when the Mongols swept into the region taking over Baghdad. A new line of Abbasid Caliphs continued in Cairo which was under Mamluk (sultans) control. In Cairo, the caliphs played the same role as legitimizers of the sultans as they had in Baghdad. It remained the symbolic role it had long since become which was now further limited by geography in that it had no role in Baghdad. This last branch of the Abbasid caliphs remained in office until 1517 when the Ottoman Turks arrived in Egypt and ended the caliphate. It was revived later in the eighteenth century by the Ottoman sultan. The Turkish Republic abolished it in 1924.

dar al-‘ahd (abode of covenant)—the countries that have diplomatic agreements and covenants with the muslim nation.

dar al-harb (abode of war)—all states and communities outside the world of Islam, often referred to as infidels.

dar al-islam (abode of Islam)—The territory of Islam where only the shari‘a prevails.

da‘wa—Islamic mission.

Deobandism—conservative South Asian sufi trend followed by clerical groups in Pakistan and an important influence on the Taliban. The Deobandi movement developed in British-ruled India during the mid-1800s, an offshoot of the Sunni *Hanafi* legal school*, takes its name from the Indian town of Deoband which

had an influential *madrassa*, or religious school. The movement aimed to reform and unify Muslims and had elements of anti-colonialism and anti-modernism. The movement found new adherents in Pakistan after India was partitioned. The Taliban grew out of a radical fringe of Deobandism from which they mixed aspects of their ethnic-Pashtun tribal traditions.

dhikr—a sufi meeting for the recollection of God’s name.

Fadlallâh, Muhammad Husayn—spiritual guide of Hizballah* in Lebanon though he has no position in Hizballah’s structure. Because of his religious stature and following, he is now viewed as an ayatollah*.

faqih (*fuqaha* [pl])—a jurist or scholarly legal ‘*ulamâ**.

fardh—duty, both individual and collective.

fatwa—a legal opinion of a *mufti** on an issue of Islamic ritual, conduct or on issues of jurisprudence. It is advice to the conscience of an individual with no compulsion or enforcement involved. An opinion issued by a religious scholar, a *mujtahid** or *mufti*, often in response to an inquiry by an individual or a judge. They are important because they deal with actual situations and exist in published collections. Equally, independent Muslim governments have tended to require as part of the armoury of legitimate government the acquisition of fatwas to confirm the acceptability of their policies.

fida’i (*fida’iin* [pl])—one who sacrifices himself (especially for his country).

fiqh—traditional sciences of legal methodology and jurisprudence. It is the academic commentary on and determination of the shari’a* that evolved into a number of different understandings of the sacred sources. It is the study and interpretation of the sacred sources which formed the purpose of the law schools or *madhhahs**. It covers all aspects of public and private life as well as business. It is the result of human reason and is not divine law.

FIS (Front Islamique du Salut)—political party in Algeria founded in 1989. Won local elections in 1990 and first round of parliamentary elections in 1991. The second round of elections were cancelled in 1992 and military dictatorship ensued which also is referred to as ‘le pouvoir’. From 1992 onward, there commenced civil war, during which several groups were involved. The main parties to the struggle were the military, the military wing of FIS named the Army of the FIS (AIS)*, and the GIA*. In 1996, Algeria introduced a new constitution which bans parties that define themselves by religious or ethical definitions. FIS appears to have been effectively suppressed. The FIS was in favour of a society governed by the shari’a, and for an Arabization of the society. There were internal divisions over *salafi** and adaption approaches.

GIA (Groupe Islamique Armé)—The most active militant Islamist group in Algeria, responsible for a majority of the actions performed in second half of the 1990s. The GIA first appeared in 1993 with an extreme programme of eliminating all infidels from Algeria. The core members are the thousands of ‘Afghans’ who received military training in Afghanistan during the struggle against Soviet occupation. Ideologically opposed to FIS and its militant wing.

hadith—a saying or an action of Muhammad reported by the first Muslims which taken together form the *Sunna** (traditions of the Prophet) and is a source of law. The study of *hadith* became a systematic science about two centuries after the death of Muhammad producing six collections of *hadiths*, the two most important being those of Bukhari and Al-Muslim.

Hajj—pilgrimage to Mecca and Medina. One of the pillars of Islam which a Muslim is required to make at least once in his lifetime if he can afford it and is physically able. The Hajj begins on the eighth day of the twelfth month of the Islamic year, and can last for as long as six days.

hajja—a female who has performed the pilgrimage to Mecca.

Hamas (al-haraka al-muqawama al-islamiya)—Movement of Islamic Resistance, founded in 1988 after the first Intifada had begun, growing out of the Muslim Brotherhood that was actively engaged in Gaza pursuing religious, social and educational work. The leader is Shaykh Ahmad Yassin who is a quadriplegic. It was the Intifada, the Palestinian public resistance to Israeli occupation of the Occupied Territories that had started the year before, that brought Hamas into its present position. Hamas has been unwilling to accept any compromise with Israel concerning giving up any Palestinian land. It pursues *jihâd** as the only effective means in the struggle against Israel. With the establishment of the Palestinian National Authority in 1994, Hamas threatened civil war, and continued with attacks on Israel.

hawzât (*hawzâ* [sing])—private institutions for advanced Shi‘i Islamic studies in the Islamic world.

Hizballah (party of God)—Lebanese Shi‘i Muslim political group, often involved in military actions. Formed in 1982 in the midst of the Israeli invasion of Lebanon, sponsored by both Syria and Iran for their individual reasons. In significant part, US and Israeli designs in Lebanon in 1983/84 were thwarted, due to Hizballah and allies guerrilla actions, attacks on American and French forces and the taking of hostages. In 1985, when Israel withdrew and created a ‘security zone’ on southern Lebanese territory, it was subject to attack by Hizballah and others, which eventually brought about the withdrawal of Israeli troops from southern Lebanon in 2000. It has successfully participated in all the parliamentary elections held in Lebanon since the end of the civil war in 1989. Since the Israeli withdrawal, it patrolled the southern border of Lebanon in place of the Lebanon Army and continued sporadic attacks against the Israeli military in the disputed Shabaa Farms border area.

Hizb al-Tahrir al-Islami (Party of Islamic Liberation)—founded by Taqi al-Din al-Nabhani in Jordan in 1953. Called for the political unification of the *umma** and for the re-establishment of an Islamic polity with the implementation of shari‘a, under the *khilafa* or Caliphate*. The success of this call for the restoration of the Caliphate in recent times, not least among young Muslims in the west, owes much to this grouping.

ijaza (*ijazat* [pl])—authorization from a teacher, gives proof of teaching competence, the giving of the certificate can be unregulated. Also a degree from an Islamic university.

ijtihâd—independent interpretation of the sacred sources, the effort to formulate an independent judgment on a legal or theological question, based on the interpretation and application of the four collections of *fiqh** of the four *madhhahs** or law schools. It is the ‘effort’ exerted by an individual scholar in his search for a clear and unambiguous ruling from the sources of law. Today, in addition to the ‘*ulamâ*’, there are Muslims with no theological training claiming the right of *ijtihâd*, doing their own reading of the past *fiqh* and scholarly output of influential *ulamâ*.

'ilm—knowledge, learning

imam—for sunnis, a prayer leader, not a profession but more like a title. For shi'i, it is a much more important term. Almost the whole of their theology is founded on the ideas surrounding the term, imam. In Imami shi'ism*, 'Alī and eleven of his descendents were Imams with special characteristics such as the ability to interpret the will of God. The twelfth Imam disappeared and is expected to return as the Mahdi to bring among other things justice to the world.

Imami shi'ism—see twelver shi'ism.

islah—reform, restoration, reformation. A term made prominent in the late nineteenth and in the twentieth century by the efforts of Al-Afghani and Muhammad Abduh in the call for the reconstruction and modernization of society by utilizing the standards and norms of the Qur'an* and Sunna* in pursuit of the social and moral reform of society (see salafiyya entry).

Islam (submission to Allah)—a strictly monotheistic religion in existence for more than 1400 years and is the fastest growing religion globally. Core beliefs are based on the Qur'an* and Sunna* of the Prophet Muhammad and centrally concern God, Muhammad as the messenger of God and the *Umma**, the community of believers. There are two major trends, Sunnism* and Shi'ism*.

Islamism—political Islam, a collection of ideologies that want to use the shari'a* to its full extent and reject secular forms of government. These ideologies arise from different responses to the rapid change in society and economy which is characteristic of capitalism and the contradictions of the modernization processes of the nineteenth and twentieth centuries. These ideologies express several directions which are not necessarily compatible nor co-operating. Concerned about the disparities of society, lack of justice, foreign cultural penetration, loss of values, the need for political alternatives and in their various ways to find answers in Islam.

Islamic Jihad—the name of several Islamist groups. In Egypt, jihadists emerged in the 1970s in response to Sadat's policies and Qutb's ideas and pursued anomic violent actions. The most spectacular action was the assassination of President Sadat in 1981 in response to a crackdown, economic policies, a treaty with Israel and his attack upon the relationship between religion and politics. It has been subject to factions and shisms. In the 1980s, two groups emerged—one which eventually came to be led by Ayman Zawahiri in the 1990s and the other, by the blind Sheikh Omar Abdel Rahman who became its spiritual leader. The former became an ally of Bin Laden and the latter was imprisoned after the first attack on the World Trade Center. In Palestine, Islamic Jihad is a small elusive presence among Palestinian groups. Committed to the creation of an Islamic Palestinian state and the ending of the state of Israel. It emerged in the Gaza Strip in the 1970s carrying out periodic attacks upon Israeli and other targets.

ithna ashari shi'ism—see twelver shi'ism.

Jafar as Sadiq (699–765 CE)—the sixth Imam in the Imami and Isma'ili traditions of shi'i Islam. One of the most widely regarded Imams respected by shi'i and sunni alike for his learning and piety. Jafar al-Sadiq was an influential teacher, theologian and jurist. Considered the founder of the legal school of Imami shi'ism*.

jahil (jahiliya)—classical meaning defining the era before the arrival of Islam, the era of ignorance. A key concept used by Sayyid Qutb* to include modern society and the Arab governments of the day as having ceased to be Muslim societies or governments. His ideology contributed to his execution.

jihâd—‘to struggle’. Sometimes known as holy war. The greater *jihâd* is referred to as the personal struggle to be a good Muslim, to overcome personal weaknesses, for moral and spiritual betterment of oneself. The lesser *jihâd* is the struggle that one must engage in to protect Islam, including war against infidels.

karamât—miracles, ‘supernatural powers’.

khalifa (khulafa [pl])—successor(s) to the Prophet (see caliph and caliphate entries), the national representative for sufi orders, representatives, deputy.

kharijites (khawarij [pl])—the oldest religious sect of Islam; dissenters, seceders; the first sectarian dissenters who ‘went out’ from the *umma** condemning, among other things, the selection principle of the successor to the Prophet. The precipitating event concerned the caliph ‘Ali’s acceptance of Mu’awiya’s proposal of arbitration during the Battle of Siffen (657 CE) to settle their quarrel which also concerned entitlement to the caliphate. In their view, the position of caliph could not be the result of arbitration but that ‘judgment belongs to God alone’. Among their radical views was that anyone that the *umma* selected as having the most merit should be ruler, and the belief in the equality of believers. Modern-day ‘kharijites’ are the Ibadiyya found in Oman, in Jerba in Tunisia, in small communities in Algeria, Libya, Zanzibar and the east African coast.

khums—annual tax. One-fifth of war booty reserved for the Prophet and family and for benefit of the community. Centuries later (the thirteenth), it was revived by *usuli shi’i* (see twelver shi’i) to be paid to a *mujtahid** who accepts half as due to the Hidden Imam and the other half for the poor, orphans and charities.

khutbahs—Friday sermons.

madhhab (madhhahib [pl])—law schools, schools of jurisprudence, or more precisely, methods, doctrines and legal schools of thought. *Madhhahib* were networks of colleagues, masters and disciples committed to the doctrines of a great Imam. These doctrines evolved through a constant interplay with politics. Eventually, these *madhhahib* were reduced to four in number that were equally accepted by all sunnis*, individual *madhhahib* for the majority Imami shi’i, Zaidi, Ismaili, and one *Kharijite*, the Ibadi. These madhhahib elaborated and interpreted Islamic Law, the shari’a*. The results were *fiqh**.

mandil—a head kerchief.

maqasid al-shari’a—central intent (*maqsid* [sing]) of the shari’a.

ma’rifa—knowledge.

marja’ al-taqlid—source of imitation/emulation. A most eminent religious shi’i scholar or ‘*âlim**, a *mujtahid** who through his scholarship, piety and reputation is recognized as a source of imitation and emulation. A marja’s reputation comes with the rising number of those *muqallids** emulating him in his legal rulings, that is, the acclamation of the community of shi’i believers.

maslaha—promoting that which is beneficial, the public interest, well-being of humanity, the common good, as regarded in the shari’a.

Mawlid al-Nabiyy—the celebration of Prophet Muhammad’s birth.

Mevlevi—Turkish sufi order founded by the famous poet and sufi Jalal al-Dīn Rumi (1207–1273 CE).

millat—nation. Ottoman administrative practice of allowing non-Muslim religious groups to be under their own religious laws within the Ottoman Empire.

mudaraba—profit-sharing financing.

munaḥiqin—hypocrites.

mufti (the religious scholar who gives *fatwas*)—provides the petitioner with a legal opinion (*fatwa**) to an individual question. The person who issues a *fatwa* is one who is versed in Islamic Law, a jurist (*mufti*). His legal opinion is based on religious principles that are applied to the specific problem which is addressed to him and is expected to serve as a guide to the Muslim seeking the legal opinion. In shi'ī law, the *mufti* must be qualified to perform his own *ijtihād** on the question posed to him. The *mufti* must, then, also be a *mujtahid**. The *fatwa* is merely what he considers to be true. All Muslim governments will appoint an official *mufti*, an 'ālim* possessed of the authority to deliver legal judgments on a variety of issues as well as to legitimize their policies. The *mufti*'s opinions are purely consultative unless given effect in a court judgment by a *qadi**. In the twentieth century, the role of the *mufti* becomes transformed. While, on the one hand, the role of the *mufti* in the judicial process declined considerably owing to the adoption of European legal codes by secular governments in the Islamic world, on the other hand, *muftis* have become more active in public discourse through newspapers, radio, television and the internet.

muhibb (*muhibba* [f])—follower of sufi shaykh.

mujahidin—fighter, freedom fighter.

mujtahid—someone who is qualified, through his knowledge of the *fiqh**, in the use of individual human reasoning in order to derive legal rulings (*ijtihād**). *Mujtahids* are *ulamā**. Among the Imami shi'ī*, by the end of the seventeenth and into the eighteenth centuries, *mujtahids* came to perform a more enhanced role within the shi'ī 'ulamā. Classicly, *mujtahids*' authority and responsibility rests with God, while modern Islamic reformers see their authority deriving from the community.

mu'minin—believers.

muqallid—an 'ālim* whose level of scholarship does not allow him to engage in *ijtihād**, but rather to utilize the traditional knowledge already accumulated in the law schools, someone who emulates the *mujtahid** in his legal rulings.

murabaha—trade financing.

murīd (*murīda* [f])—follower of a sufi shaykh, novice of a sufi order*.

Muslim Brotherhood (Ikhwan al-Muslimun)—founded in 1928 by Hassan al-Banna*, whose focus was on the grassroots of the population. It becomes the first urban mass movement of political Islamism in the modern period. It was founded to renew the focus on the approach of the *salafiyya** (sometimes referred to as *neo-salafiyyah* to distinguish it from the approach taken by Muhammad Abduh and Rashid Rida, see *islah* entry), to exclude colonial society by recovering dominance of the public discourse, and to oppose western imperialism and secularization. As regards the reform of Islam, they would look deep into the roots of Islam in order to purify, expunge and renew it by focusing on the principles of the earliest generations of Islam, the *salaf**. In effect, they

rejected the integrationist approach of the earlier reform movement as cooptation. Over time, populism and demands for social justice encouraged an expanding spectrum to emerge within Islamism. The Muslim Brothers themselves came to reinvigorate the position of moderate reform (though without abandoning the *salafiyya* approach) which at their founding had been condemned. Regarding this as co-optation, groups left the Muslim Brotherhood in order to maintain more militant and in some cases jihadist approaches, an extreme example being al-Qa'ida Takfir wa-al-Hijara (Excommunication and Flight).

Muslim—one who has submitted to God.

Naqshbandiyya—a sufi order named after Baha al-Dîn Naqshband (d. 791 AH/1389 CE), a *tariqa** or sufi order* that is widely active throughout the world today.

Naqshbandiyya-Ghaznawiyya—a sufi order* led by Shaykh Muhammad al-Ghaznawi based in Tell Ma'ruf in northeastern Syria.

Naqshbandiyya-Haqqaniyya—a sufi order* led by Shaykh Nazim al-Qubrusi al-Haqqani.

Naqshbandiyya-Kaftâriyya—a sufi order* led by Shaykh Ahmad Kaftârû in Syria. He has also been Syria's Grand Mufti* (the chief scholar of Islamic law) since 1964.

naskh—abrogation, generally the question of later prophesy of the Prophet setting aside earlier prophesies, this would mean that some Qur'anic verses are set aside by other verses.

qada'—judgeship.

qadi—judge, early in the formative era of the establishment of the caliphate*, *qadis* held administrative positions with delegated authority from the caliph* to administer the caliph's writ albeit within the earlier established practices of the Prophet and the Rashidun*. Later, in court, the *qadi*, trained in his *madhhab** adjudicated cases before him according to the shari'a. If needed, he asked for a legal opinion from the *mufti** on a point of law or matter or if he was deciding upon the death penalty. His judgement in the case was enforced and held for that case only, no precedent being set. The judgement, however, could be overturned if it was shown to contradict the shari'a. It was the ruler who appointed the judge and implemented religious law. On the other hand, the ruler did not interpret religious law which was under state control. In modern times, *qadis* sit in courts that deal mainly with codified Islamic personal status law.

Qadiri—a sufi order* named after 'Abd al-Qadir al-Jilani (d.1166 CE) whose tomb is in Baghdad. Adherents of this order are found throughout the world. The order has merged with the Rifa'i sufi order*.

Qadissiya—battle in 636 in which the Arab armies of Islam defeated Persia.

al-Qa'ida or al-Qaeda—The Base or Foundation, followers who gained their formative experience in the *jihâd** in Afghanistan against the Soviet occupation. Came to express an anti-American transnational ideology that indicated a hostility to the American presence in Saudi Arabia, its support of Israel against Palestine, and as the chief obstacle to reform in Muslim societies. It consists of a worldwide network of organizations, groups and individuals linked primarily

- by ideology committed to the idea of the liberation of the Muslim world from western influences.
- Qaradawi, Yusuf—an influential Qatari-based Egyptian cleric.
- Qur'an (Koran)—meaning literally 'read' or 'recitations', the holy book of Islam. Contains revelations from God which were revealed to Muhammad over a 20-year period (610–32 CE) mainly through the Angel Gabriel. Compiled after Muhammad's death into 114 suras (chapters).
- Qutb, Sayyid (1906–66)—an important ideologist of the Muslim Brotherhood*. His key text was *Ma'alim fi al tariq* (*Signposts on the Road*) which became a seminal expression of the critique and rationale underpinning the Islamist response to the predicament of Muslim society of his time and after. His use of the concept of *jihâd** emphasized the lesser *jihâd* (see *jahiliya* entry).
- rabita*—a spiritual umbilical cord.
- Rajabiyya—a national sufi network in Lebanon controlled by Shaykh Rajab Dib's family.
- Ramadan—one of the pillars of Islam. Required of all muslims that they fast from dawn to dusk every year for the month of Ramadan, the ninth month of the Hijra calendar used in Islam. During this period, Muslims abstain from food, drink and sexual relations. The fast is used as a means of self-purification.
- Rashidun—the first four 'rightly-guided' caliphs* or successors to the Prophet Muhammad.
- rasul*—messenger. 'Muhammad Rasul Allah'. Muhammad is the Messenger of God.
- riba*—interest that is prohibited as usury.
- Rifa'i—a sufi order* named after Shaykh Ahmad al-Rifa'i (d.1182 CE) from the district of Basra, very successful among peasants in Syria. In more recent times, very active in Lebanon, in particular in disseminating antiWahhabi* literature.
- risala*—treatise.
- risala amiliyya*—a compilation of *fatwas**.
- Safavid—dynasty uniting and ruling over Iran from 1501 until 1722. The Safavids also brought about the establishment of shi'i Islam which in time became the dominant religious trend in Iran.
- sahm al-imam*—a portion of the *khums** dedicated to prominent 'ulamâ* as lawful deputies of the hidden imam (see twelver shi'ism entry).
- salaf al-salih*—'pious ancestors' (610–855 CE), the moral and cultural tradition of early Islam.
- Salafi* (*salafiyya*)—refers to the practices of the early years of Islam which remain influential until the present time. All innovations in Islam after the period of the *salaf**, including the acceptance of local customs that led Muslims away from the straight path which were regarded to have caused schisms, are condemned. In other words, *fiqh** literature and *taqlid** were rejected. There developed two main approaches to the *salafiyya*: by returning to the pure practice of the Prophet, his Companions and the early generations, the traditional structures of Muslim society including the secular domain could more successfully be exposed to new cultural and social dynamisms leading to reform (the view of Muhammad Abduh and Rashid Rida; see *islah* entry). The second approach rejected the integrationist emphasis of the earlier reform movement as co-optation. It also utilized the view of the *salafiyya* to exclude

colonial society by recovering dominance of the public discourse, and oppose western imperialism and secularization (Muslim Brotherhood*).

salat—ritual prayer, one of the pillars of Islam. *Salat* is the name for the obligatory prayers which are performed five times a day. Prayers are said at dawn, noon, mid-afternoon, sunset and nightfall, with the worshipper facing Mecca.

sayyid (al-sayyid)—a title referring to descent from the Prophet.

Shadhuliyya—a sufi order* founded by Shaykh Ali Abu-l-Hasan al-Shadhili (d.656 AH/1258 CE) in Egypt. Has branches throughout North Africa and the Arab world as well as in Europe and the United States.

shahada—one of the pillars of Islam, the testimony of faith, ‘La ilaha illa Allah, Muhammadun rasulu Allah’, meaning There is no god but God (Allah) and Muhammad is the Messenger (Prophet) of God’. This simple statement expresses a Muslim’s full commitment to the teachings of Islam.

shahid—martyr or witness for the faith.

shaykh—elder, religious or tribal leader.

shari’a—Islamic Law, God’s Law, religious Law. The Qur’an* provided the basis for law and the rules for living. The law developed out of the distillation of law-like statements in the Qur’an, supplemented by the Sunna* of the Prophet. Other sources of law developed as time passed, *qiyas* (analogy) and *ijma* (consensus). By the tenth century, it emerged as a coherent set of doctrines and was later systematized and elaborated in commentaries (*fiqh**) by the ‘*ulamâ** or *fuqaha** (see *faqih*). From the differing interpretations of the law, there finally emerged the four sunni *madhhahib** (schools of law)—*Maliki*, Hanafi, *Shafi’i* and *Hanbali* (see sunni schools of law entry)—and several shi’i *madhhahib*—*Jafari** (Imami shi’i*), *Zaidi*, Ismaili (*Kharijite**), *Ibadi*. It is the *fiqh** classics of the *madhhahib* that are consulted and rarely the Qur’an and Sunna though they are the ultimate sources of law. With codification of the shari’a, it is the law code that is consulted.

shi’ism—the minority branch of Islam (10–15 per cent of muslims). Predominant in Iran, Tajikistan, Azerbaijan, northern Yemen. Plurality in Iraq, Bahrain and Lebanon. Smaller numbers in many other Muslim countries, the Gulf countries, Afghanistan, Pakistan, and India, for example. The shi’i trend in Islam developed as a result of the politics surrounding rulership or governance of the early Islamic community, the *umma**. They believed ‘Alî* and his descendents as the only legitimate caliphs. After the death of ‘Alî, failing to keep control of the nature of the emerging caliphate* and the office of caliph*, his supporters came to believe ‘Alî, the fourth caliph, to be the first imam* and rejected the rise of the Umayyad Caliphate*. Shi’ism subsequently evolved separately from the developments in sunnism*. In the course of the succession of the shi’i imams, disagreements over who should be chosen imam* led to schisms. Zaidis, a moderate shi’ism accepting of the first caliphs, resulted from a disagreement over the 4th imam (@720 CE) and are found today in north Yemen. Ismailis emerged from a disagreement over the 7th imam (765 CE). There are schisms within schisms, for example, the Nizaris are a splinter from the Ismailis. The majority within shi’i Islam are the Imami* shi’i who recognize a succession of 12 imams. Each shi’i sect has its own sunna* of the Prophet, *hadith** and school of legal jurisprudence. When early Muslims sought guidance in matters not explicitly covered in the Qur’an*, the shi’i relied upon the opinions of their

imams, who as descendants of Muhammad and ‘Alī were viewed as having powers of interpreting the will of God.

shura—Islamic principle of consultation in the choice of a ruler, major policies or actions of a ruler. In the classical period, prior consultation or soundings were taken before the final decision, ostensibly by the community via *shura*, but in reality by the notables, and then generally but not always coalescing around the leader giving him the oath of allegiance. Today, *shura* is often referred to as evidence of the democratic potential of earlier Islamic institutions and practices.

silsila—chain, the genealogy of leaders of a given sufi network traced back to the Prophet.

sufi orders (*turuq*)—one that is led by a sufi shaykh who is a well-trained Muslim cleric and will have any number of adherents. Adherents will join if they are attracted to the interpretation of the shaykh. The order can be local, national, regional or global. It developed gradually in the first centuries of Islam with little proof of real sufism* emerging before @200 AH/800 CE.

sufism—the mystical approach to God and His Word, mystical orientation inside sunni* Islam, differing approaches to the sacred sources though remaining within the bounds of the shari’a* as well as developing differing approaches to ruling authorities. For sufis, the Qur’an* is clear about God and his Oneness. As to the question about the relationship between God and man, the Qur’an is ambiguous. One response to the ambiguity is sufism which expresses a yearning for personal communion with, and love for, God. Sufism’s aim is to gain a closer connection to God and higher knowledge, through communal ceremonies, such as *dhikrs**. Sufism is anti-shi‘i and anti-wahhabi. In general, the sunni religious establishment itself has an antipathy to sufism.

Sunna—the traditions of the Prophet, received through the collections of Muhammad’s *hadiths**. The term, sunni, for the majority trend in Islam derives from those Muslims who emphasized the acceptance of the Sunna as a source of law, while for the shi‘i, the Sunna also includes the hadiths of ‘Alī* and the Imams*.

sunni legal schools—there are four sunni legal schools or *madhhahib* (*madhhab* [sing])*. These are the Hanafi, Maliki, Shafi’i, and Hanbali *madhhahib*. The Hanafi *madhhab* uses reason and analogy based firmly on orthodoxy. It allows the use of subjective opinion and customary law which made it more flexible and also was accommodating to secular needs (Hanafi *madhhab* was officially recognized by Ottoman and Moghul Empires and other major states). The Maliki *madhhab* relied on the customs of Medina though it allows reasoning by analogy as long as the public good is not injured. It is dominant in much of Africa. The Shafi’i *madhhab* indicates a methodology (*usul al-fiqh** or roots of jurisprudence) whereby *ijtihad** can be safely utilized. It also recognized the validity of analogy via this methodology. This methodology influenced the other *madhhahib*. (It is found, among other places, in Africa, along the Arabian coastline, southern India, Indonesia.) The Hanbali *madhhab* adheres to strict observance of the terms of the Qur’an and Sunna with limited scope for *ijtihad* or analogy (see Wahhabism entry).

sunnism* and shi’ism*—sunnis share with the shi‘i an acceptance of the validity of the Prophet’s revelation of God’s message as found in the Qur’an* and an acceptance of the Sunna* (traditions) of the Prophet as found in the *hadiths**.

Though they developed different *hadith* collections, there is some overlap. Sunnism and shi'ism differed in the early years on the question of succession and the appropriate method of choosing a leader. The sunni accepted the legitimacy of the first four caliphs*. The majority of shi'i accepted the legitimacy of 'Alî* as the legitimate caliph.

sunnism—refers to those Muslims in the majority trend in Islam (around 90 per cent). On the politics surrounding the question of succession to the leadership of the *umma** which so set its stamp on the theology that later emerged, the sunni, initially, would accept as leader anyone from Muhammad's tribe, according to the consensus of the *umma* or by the ahl al-shura (representatives in council) as representatives of the *umma*. Later, in effect, whoever became the leader by whatever route was acceptable to the sunni. In the shi'i tradition, 'Alî* was seen as the successor to Muhammad. The core beliefs are based on the Qur'an* and Sunna* of the Prophet Muhammad and centrally concern God, Muhammad and the *umma*. Beyond these core beliefs, within sunni Islam is a diversity of interpretations and perspectives. The answer to questions which the Qur'an* did not answer was found in *hadiths** which were used to elaborate the silent or ambiguous areas of the Qur'an. In this way, the Sunna of the Prophet became a source of law. A legalistic response resulted from the search for answers or enlightenment from the sacred sources which produced a diversity of schools of law (*madhhab** [*madhhahib*, pl]). These *madhhahib* elaborated and interpreted Islamic Law, the shari'a*.

tafsir—explanation, interpretation, commentary on the Qur'an.

talfiq—invention, concoction; or the eclectic pic and mix from each of the law schools, a technique utilized by some reformers.

taqiyya—dissimulation, one interesting element in shi'i Islam is the permission to dissimulate, that is, it is lawful to deny one's faith in public in the case of danger, while maintaining it in private.

taqlîd—imitation; uncritical faith in a source's authoritativeness; adoption of the legal decisions of a *madhhab**.

taqirrat—the notes that a student takes from a teacher's lecture.

tariqa (*turuq* [pl])—order or brotherhood, usually a sufi order*.

twelver shi'ism (ithna ashari or Imami)—According to Imami shi'ism, there were twelve imams beginning with 'Alî*. Jafar al-Sadik*, 6th Imam (702–765 CE), is considered as founder of the Imamis, the largest subdivision within shi'ism*. The Imami shi'i believe that only the imam*, in effect selected 'by divine right', could be the final interpreter of the law on earth. In the absence of the imam (according to the doctrine of occultation, the twelfth or 'hidden' imam disappeared in 260 AH/873 CE, in effect, suspending the Imamate), the *mujtahid** may interpret the Law. Within the Jafari law school of the Imamis, two schools of thought emerged from the eighth century and crystallized during the seventeenth century at the Iraqi shi'i holy shrines: the Akhbari* which rejected *ijtihâd** and the *Usuli* (roots) who utilized *ijtihâd* by adopting reasoned argumentation in jurisprudence and theology. *Usulis* emphasized the role of the *mujtahid* as capable of independently interpreting the sacred sources as an intermediary of the Hidden Imam and, thus, serve as a guide to the community. This meant that legal interpretations were kept flexible to take account of changing conditions and the dynamics of the times. The *Usuli* school became

predominant in Iran in the eighteenth century and it is within this school that the Ayatollah Khomeini was located.

'ulamâ (religious scholars) (*'âlim* [sing])—interpreters and guardians of *hadith**, hence, guardians of the whole tradition. Trained in applying a legal methodology, in interpreting and administering the divine law according to complex rules developed in their *madhhab** (law school). They did not exercise political power but were a brake at times on the power of the rulers. Traditionally trained *'ulamâ* failed to incorporate contemporary modernist or reformist thinking into their discourse. This led to tension between traditionally trained *'ulamâ* and those who were actively seeking to Islamize their societies to bring them more closely into line with their view of Islamic law, ignoring the centuries of nuanced, qualifying scholarship of the *'ulamâ* in the past who reconciled the demands of the divine law with the realities of political power and the exigencies of everyday life. The growth of modern state structures in the Muslim world have weakened the *'ulamâ*. Today, however, with the rise of movements to reintroduce the shari'a*, the *'ulamâ* no longer act as mediators between society, government and religion but find themselves in the current situation having to share the platform with lay interpreters of the shari'a. For shi'i *'ulamâ*, see twelver shi'ism, *mujtahid*, *ayatollah*.

umma (community of believers)—the totality of all Muslims. In the classical period, there is evidence that the term, *umma*, was used with varied meanings. The classical meaning is complex due to the conceptions and usages in the Qur'an* and practice of Muhammad, which include: communities of Muslim believers as well as believers of other religions, and a recognition of both the unity and diversity of the *umma*. It also includes the Muslim community whose shared norms remain dependent on shared values, faith and duty. In modern times, the concepts associated with the *umma* appear to have varied meanings depending upon the social and political environment in which the discourse is occurring and the objectives of those using the term. Examples of usage can be seen in the late nineteenth-century pan-Islamism, in pan-Arab nationalism, in that projected by the Iranian revolution, and by al-Qa'ida.

Umayyad dynasty—first Arab government (651–750 CE) after the first four 'rightly guided' caliphs (see Rashidun) which succeeded Muhammad. For the most part, an oppressive set of rulers.

'urf—local custom.

usul—general principles, roots.

usul al-fiqh (legal theory)—principles of jurisprudence.

velayat-e faqih—'the leadership of the jurists' or 'the guardianship of the jurispudent'.

wahhabism—a movement of a great reform of Islam in Arabia in the eighteenth century initiated by Muhammad 'Abd al-Wahhab (1703–92). He became a Hanbali shaykh and was influenced by aspects of the work of an earlier Hanbali, Ibn Taymiyya (d.1328 CE), who utilized *ijtihâd** in arriving to a legal decision by referring to the Qur'an* and Sunna* of the Prophet and early Islam rather than the law schools. Al-Wahhab's emphasis was upon abandonment of practices such as luxury in dress, worship of shrines, too much attention to Muhammad rather than to God alone which were at odds with the simplicity of the early religion based directly on the Qur'an and Sunna. The Wahhabi

interpretation felt that the local practice of Islam needed to return to its original purity. He became more successful in his mission when, in 1744, he converted Muhammad Ibn al-Saud, founder of the Saudi dynasty, to his view. Regardless of the fortunes of the Saudi state, the ideas of wahhabism have been in broad terms much more powerful with their focus on early Islam and a close reading of the Qur'an irregardless of what the law schools might indicate. The combination of the state-building and expansionism of the al-Saud and the ideas of al-Wahhab contributed to the foundation of the Saudi state of the twentieth century with Wahhabism as its official interpretation of Islam.

wakīl idari [sing] (*wukalâ'* [pl])—local administrative representative in some sufi orders*.

waqf—religious endowments in conformity with the shari'a*, which produce revenues in support of charity or good purposes—mosques, schools, libraries, orphanages, hospitals, animals, family. Usually the waqf's property produces a benefit that leaves the property intact—land, buildings, machinery, agriculture. Ultimately, from both the standpoint of the shari'a and the founder of the waqf, it is for the benefit of the poor and needy. It could also be a way of avoiding the strict application of inheritance law by allowing an individual to place his wealth in an endowment for a good purpose. The descendents of the endowee could be appointed as administrators of the waqf for a portion as income.

Yashrutiyya-Shadhiliyya—a sufi network in Palestine.

Yashrutiyya—a sufi network led by Shaykh Ahmad Yashruti in Lebanon.

zakât—'purifying' alms giving. One of the pillars of Islam, therefore, obligatory.

In Islam, since everything belongs to God, wealth is held by men and women in trust. Amounts and practices of alms giving vary globally and can be distributed privately throughout the year or toward the end of Ramadan*.

zann—personal opinion.

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The Shaping of the Current Islamic Reformation

B.A.ROBERSON

It is an uncertain business understanding the impact of political Islam and salafism in today's Middle East. It is particularly difficult to plug into the region and fully understand the dialogue or the discourse that is found there. This discourse will be peppered with referents, concepts, 'code' words that appear esoteric, backward, archaic and irrelevant to the issues and problems besetting the peoples in the region. This has contributed to the variety of coverage in the full range of the western media from the news to film which very often trades on the incompatibility of Islamic or Muslim culture and ideas with modernity. Those images and this media discourse, of course, fan out across western society, the academic establishment and government variously affecting perceptions of the region and what goes on there. The academic establishment is an important contributor to the popular western understanding of Islam, but, on the whole, for a variety of reasons, does not offset the generalized negative view to one that is more balanced.¹

None the less, the stakes are very high and since knowledge is power, it is important for the public and opinion formers to be much better informed of the impact of the external on the Islamic world, whether it be viewed as a continuation of virtual colonial occupation through the maintenance of western hegemony and domination with the attendant individual, national and global responses² or whether it be understood as the galvanizing of Muslims wherever they are to address or embrace change and modernity transforming their approach to their religion, culture and identity through a politicized Islam that addresses personal, national and global problems.³ Therefore, it is essential to take stock of the Islamic phenomenon in the Middle East by looking beyond the negative images as well as the militant or extremist end of the spectrum⁴ where so much attention has been focused which has deterred a more pragmatic and useful understanding of the dynamic amongst Middle Easterners.⁵ However, this is not to suggest that there have not been useful analyses of the Islamic phenomena including discourse in the Middle East. But this usually occurs in the social science context which generally is not read by the public.⁶ What emerges, and is more generally absorbed, are a rustle of ideas within which are hidden mythologies, conceptual inadequacies of actual inaccuracies and ideological agendas that create at best a ambiguous sense of reality.⁷

The purpose of this volume is to attempt an assessment of the state of this Islamic intellectual and material development which has permeated the Middle East including North Africa. Each of the contributors to this volume has explored and shed light on an important aspect of the current Islamic response to challenges of modernity and postmodernity. But, first, the stage must be set for the reader.

Historical Shaping of Islam

The Islamic world is very complex. It is both private and public, with each of these spheres buttressing and influencing the other. As this world was taking shape, Muslims were able to determine to a great extent the type of order that was projected.⁸ As its first governmental structure after the Prophet—the caliphate—faltered, the private actions of a geographically dispersed emerging and evolving learned class—the *'ulamâ* (religious scholars)—were able not only to shape the content of the religious responses to the world about it but some of the key political responses as well—for example, what constitutes legitimacy in government.⁹ As the centuries progressed, the core Islamic world continually passed through a series of severe internal and external crises: the irretrievable loss of power by the Caliphate leading to a permanent fragmentation of the empire; the Mongol invasion of the Middle East and the disappearance of some of the basic ancient fictions that sustained the notion of Islamic government;¹⁰ nonideological dominance of mamluk rule of Egypt and part of the Levant;¹¹ the advent of Ottoman and Persian imperial dominations which as a prelude to the modern era permanently divided the Islamic world with each empire reordering their internal governmental processes between the secular and religious spheres;¹² the enfeeblement of these empires and the gradual comprehensive European imperial penetration and domination of the Islamic world, culminating in the modern era, imposing a seemingly unavoidable order with irresistible structures.¹³

The European penetration of the world forever changes the international structures, processes, norms and rules within which all other parts of the world would have to find a way to accommodate.¹⁴ Throughout all the vicissitudes of the centuries, the fragmented religious world of the *'ulamâ*, sufi orders and Muslims of all kinds, through complex and variegated responses expressed in private internal debates concerning the content and response of the private sphere to the public, were able to preserve the core traditions of Islam within a developing Islamic Law (shari'a).¹⁵ But similar to the European belief in the existence of Christendom until secularism resulting from the Reformation undermined its psychological certainty, Muslims likewise, on the whole, did not question the existence of the divinely ordained shari'a inspired society, that is, until changes linked to foreign intervention that Muslim rulers did not or could not resist began to affect their lives.¹⁶

Because the religious class historically played a role of mediation between the governing authority, populations and ideas, it, together with many other individuals and groups, very often reshaped the religious content to accommodate the necessities of social and economic conditions. When it came to the eighteenth century with the beginnings of the impact of capitalism and the nineteenth century with the beginning of the dismantling of key features of the domestic Islamic order—secularizing of education and law—it is not surprising that a response came from concerned *‘ulamâ* and lay intellectuals. The *‘ulamâ*, however, were not united in their response to these fundamental social, economic and political changes and many would continue to support the Ottoman government of the day and, later, the successor governments in the Middle East in order to preserve what was left of their increasingly diminished role in the governance of society. But the approach of others, by and large, was to privately renew and reform the religion to reposition it in its relations with government and society, to promote personal reform and the modernization of society rather than a take-over of the state,¹⁷ that is, until developments in Pakistan and later Iran. Pakistan was created with the Partition of India while the Islamic Republic of Iran was a result of revolution; both with the intention of creating Islamic states.

Explanatory Notes About Islam

Before going further, to aid the reader, a few points need to be highlighted about Islam. A key aspect of the religion is that it did not develop an ‘official’ hierarchy or state-enforced institutional arrangement. The religion’s development was purely private without involvement of the ruler or of government. While Muhammad revealed God’s Word over a period of more than 20 years, he had actually, for ten years, governed a community at Medina¹⁸ and was regarded as the last Prophet. He died without naming a successor, though in the Shi‘i view, ‘Alî (his son-in-law) had been designated as his successor. This meant that for most of Muhammad’s followers a successor had to be discovered in order to keep the *umma* (community of believers) intact.¹⁹ In effect, it meant that political decisions had to be taken which at this early stage in the religion’s formation and evolutionary development contributed to divisions.

There were a number of outcomes that emerged from these beginnings, but the one which concerns us was the eventual bifurcation of governance and the religion such that government—the Caliphate—on the one hand, became responsible for the maintenance of order and the unity of the state and for following the ordinances of Islamic Law and religion. It is this, the protection of Islam, that would render it an Islamic state. On the other hand, it could not make nor interpret law. This outcome occurred once the emerging *‘ulamâ*, who were struggling to work out the revelation bequeathed by Muhammad, had arrived at the iron-clad conclusion that they and only they could interpret God’s Law—*shari’a*—, not the ruler.²⁰ Although the ruler or caliph may be powerful and was

expected to protect and promote the religion, he was not expected to make or interpret the law. The upshot was that the shari'a remained a private law rather than developing as state law. Thus, in the twentieth century in the face of the secularized public space, the call for the shari'a to become the sole source of law in Muslim countries has presented problems for Muslim governments that were short on legitimacy. Historically, shari'a law has been the result of *'ulamâ* deliberations and not the result of ruler decisions nor, in modern times, of legislation.²¹ The question became how to integrate private shari'a law into a system of publicly legislated law.

Another factor regarding the shari'a that has led to ambiguities in the implementation of law had been that there is not one interpretation of the sacred sources—Qur'an and Sunna²²—but at least five legal interpretations or law schools (*madhhahib*)²³ that emerged which includes both branches of Islam—Sunnism and Shi'ism. There is also Sufism, the mystical approach to God and His Word, which itself developed differing approaches to the sacred sources though, in recent centuries, remaining within the bounds of the shari'a as well as developing differing approaches to ruling authorities. Finally, a considerable number of other concerned groups developed over the centuries that had distinct views of the law.²⁴ The point taken here is that a single view of Islam was not enforced religiously though, for example, the sunni Ottoman government preferred the Hanafi law school over the others.²⁵

Within and among the law schools, differing theories arose as to the meaning of the various legal aspects of the sacred sources.²⁶ Differing philosophical foundations of law developed that embraced both orthodox and speculative thought.²⁷ A key characteristic in all Islamic thought that has emerged is that very little was discarded even if the ideas and argumentation were refuted or ignored in their time.²⁸ The point to take from this situation of a considerable inbuilt but agreed fragmentation was that there has not been a century that has passed—and there have been fourteen—in which exactly what the shari'a means has been argued over within, between and outside the schools of thought—all the while reacting to the social, economic and political conditions of the time as well as to external influences.²⁹ Thus, the present is not different from the past in this regard.

The various Islamic belief systems—Sunnism and Shi'ism, in particular — that emerged were a result of disputes following the death of Muhammad and have carried on into modern times reflecting the differing approaches to the adaption of Islamic principles to the conditions of the times. While Sunnis continually come up against traditional institutional barriers— closure of the door of *ijtihâd* or *taqlîd*, for instance—in their attempts to adapt the principles of Islam as variously understood by them to the developing conditions of their lives, the Shi'i have more readily adapted Islamic precepts and principles to modern conditions, having no restriction on the notion of *ijtihâd*. Thus, Sunnis have had to argue among themselves in order to make the case for engaging in *ijtihâd*, while Shi'i *'ulamâ* have not had to engage in such arguments.

The last point to bring to the reader's attention is that because of this tolerance of so many points of view, so many different legal interpretations including continual explorations of the character and nature of the Law and its relations to its environment, the religion was kept 'current', so to speak, with its time. In effect, Islam, as a religion, was able, through the behaviour of its believers, to continually remain cognizant of the social, economic and political conditions of the time it was passing through.³⁰ It was like the passage of a long series of intermittent 'mini-reformations', all the while the basic structure of the religion was maintained including the law, rather than the experience of one great all-mighty reformation as in Europe.³¹ While this character of its evolution has been kept largely hidden from our modern eyes, we can, in this modern and postmodern era, witness the current version of a 'reformation' which we can say has been ongoing for the past three centuries—eighteenth to the present centuries.

The Current 'Reformation'

With the nineteenth century, the intellectual and material developments of the previous centuries combined with the growing influence of Europe in the Middle East produced in the accumulation of change a watershed that led to a 'breakout' of energy to address the unprecedented pressures of the time. What were these pressures? As the Ottoman Empire was weakening in the eighteenth century, it was experiencing the arrival of the gradual and persisting penetration of capitalist processes with its social and economic impacts on the population. This opened the Empire to an evermore imposing European influence whether through military defeat, trade via the increasingly disadvantageous rules of Capitulations agreements,³² exposure to European organizational forms and processes and Enlightenment ideas of knowing one's world through systematic collection, classification and codification of all material and information that resulted in a reframing of the cognitive basis for a modern understanding of the world.³³

This impact, particularly of science, on those Muslims who visited Europe, compelled many to question and reconsider various of their ideas.³⁴ This led to impulsions to introduce secularizing reforms in the Empire in order to strengthen its resistance to European imperialism, secure its autonomy and protect Islam.³⁵ The character of this response of the nineteenth and particularly the early part of the twentieth centuries to this build-up of rapid change has been studied through the vigorous discourse and activities that emerged in the Islamic world. This response has been about accommodation to the change while at the same time resistance to the destruction of the *umma* which by this time had been elaborated and redefined.³⁶

Exactly what was being preserved or to be preserved in the shari'a in order to secure the preservation of Islam and retrieve the divinely-ordained society was and is much debated.³⁷ The prime movers of the Islamic legal reform movement (*islah*) themselves were comprehensive in their approach and utilized as

instruments some of the concepts, whether accepted or ‘discarded’, that had emerged in the course of Islamic legal history. Modern research has increasingly exposed much more intelligibly to us the complexity of the weave of the fabric of Islam and the manner of how the modern nineteenth to twenty-first century impetus to reform has been part and parcel of a standing response to the internal and external conditions affecting the Middle East region and elsewhere in the Islamic world.

It has become clearer that the powerful impulsion and desire to find answers to current problems within the rich heritage of the Islamic experience is a normal, and not an unexpected, response. Key as to why this is so is that Islam, from its beginning, called upon the believers to hold fast to God’s command and guidance. But understanding exactly what this meant in the conduct of daily life and, by implication, governance required a questioning, first of all, of the Prophet himself as to what God meant. After his death and the Qur’an was established, his memory became important in order for those who came after to be able to understand what God required. Out of this incessant inquiry against the backdrop of politics and empire building, maintenance and decay, there emerged the various approaches to, and the main structure of, the religion.³⁸ This is the result of the fact that no single authoritative ruler later emerged with Muhammad’s powers of explanation. Equally, a characteristic of the evolving Islam has been, and continues to be, an absorption of ideas which came within its purview in the working out of the shari’a. This continues to this day.³⁹

This leads us to a consideration of some of the characteristics of the Islamic response of the nineteenth and twentieth centuries which itself comes out of a turbulent eighteenth century of ‘activist movements of renewal and reform’.⁴⁰ In the conditions of the new situation of the nineteenth century of increasing weakening of the Ottoman Empire and sense of loss of control whether in terms of the explicit secularizing of law and rule, or as a result of the impact of the rapid social and economic changes that inexorably closed off the traditional areas of employment, that is, in education and law, previously understood values are swept aside posing a threat to the basis of the culture. A common thread ran through the myriad of groups who responded to this kind of change.

As with the eighteenth century and earlier responses, this common thread was to look back to the beginning to the Prophet’s revelation and his authority for interpreting God’s meaning, but this time, much less unencumbered by the conservatism of the *‘ulamâ* restricted by their law schools. The long-standing concept of the *salaf al-salih* (‘pious ancestors’— it is disputed as to who were included),⁴¹ who were regarded as the sure guide to lead to the success of the struggle to reform Islam, was particularly important in this effort. Exactly how the guidance of the *salaf* were and are to be interpreted and who is to interpret have been a matter of contentious and continuous debate within the Islamic world. This emphasis on the *salaf* was taken as a key norm over what followed in time and thought.⁴²

There was the view that there must have been a deviation from the ‘straight path’ of the era of the *salaf* and, therefore, a way must be found to return to it in order to recapture the control over one’s country and autonomy over one’s life as well as to grasp the benefits of modernization which would secure these gains. But any number of tracks could be taken in order to discover what this beginning meant particularly in the current circumstances and then to proceed from there. There could be a focus on the Qur’an only or an emphasis on the *hadith* or on both the Qur’an and Sunna.

Within these possibilities, variations (particularly a heterodox approach) could be taken—the picking out of various arguments and concepts that were made by individual scholars in the course of the historical development of Islamic Law, which would be found in the *fiqh*, because these arguments and concepts could be utilized in the modern context. Examples are *maslaha* or the public interest,⁴³ *talfiq* or the eclectic pick and mix from each of the law schools⁴⁴ or the principle of abrogation—generally the question of later prophesy of the prophet setting aside earlier prophesies. This latter from the early years is a central element of the emergence of the shari’a which has been utilized in modern times to set aside Qur’anic verses or *hadith* contradictory of ‘reform’ of the shari’a.⁴⁵ Almost always there was a focus on the *salaf*. This latter could lead to including all or part of the output of the law schools or excluding it altogether. And finally, because the role of parliaments as the vehicle for legislated law codes, it became important in some way to achieve the incorporation of shari’a principles and law into these legislated law codes.⁴⁶

The Context of the Current ‘Reformation’

This brings us to the context within which the current ‘reformation’ is taking place in the Middle East and the Islamic world. The peoples in the region are ensnarled in a triangular entanglement of secular western style Arab governments, the west and Islam. Much has been made of the fact that the Middle East emerged from its long integration in the Ottoman Empire as spheres of influence staked out by the European powers. Within a short period, these spheres⁴⁷ were transformed into European occupation and colonial domination through mandates from the League of Nations during which the current shape of the Middle East was determined with little reference to the peoples in the region. Groups were identified in each mandate which could be counted on to govern or to co-operate in governing in the interest of the colonial power. Attempts were made by the colonial powers to devise systems and alliances which would produce the same result without their presence. The point is that the peoples of the region have been subjected to external intervention which was both direct and indirect. Many continue to feel that it has persisted down to the present.⁴⁸ Even if their particular governments were able to break from the control and influence of the colonial power as in the cases of Egypt, Iraq and Syria,⁴⁹ this did not ensure that their governmental systems then would be responsive to their

people's welfare, nor ultimately that their governments were independent of the pressures of great powers. Although during the mandate, the colonial power may have encouraged an early twentieth-century European style of democratically structured governmental system, this system always functioned within the broad framework of colonial interests.⁵⁰ These powers (Britain and France) did not allow the mandatory governments to function democratically or to take decisions contrary to their colonial interests.⁵¹ A consequence of this behaviour was that once independent these governments often used their political institutions in a fashion similar to that of the colonial powers during their occupation.

Another consequence of colonial intervention has been that over time these governments experienced an ebb and flow of regime legitimacy.⁵² The instruments by which legitimacy could be acquired—rejection of the colonial power, opposition to the state of Israel and support of the Palestinian cause, Arab nationalism, democratic politics, some level of economic success which in the first decades of independence revolved around a combination of Arab socialism or government domination of the public sector, and rentierism deriving from largely oil surpluses and foreign aid from the superpowers—could and did slip away when memory of government success in rejecting colonialism faded and when government failed in any or all of these other areas through which the legitimization of governmental policy could be constructed.⁵³ Concomitant with these developments were the increasing calls for Islamic solutions to the gathering problems of Middle East governments and societies.⁵⁴ The accumulation of problems through the decades—failed economic strategies, corruption, demographic shift, rising unemployment, in combination with the lack of resolution of the Palestinian problem and the hollowness of Arab nationalist ideology—tended to further undermine the shaky legitimacy of Middle East regimes and enhanced the importance of Islam—the mainstay of society—as a legitimizing asset.⁵⁵ Finally, secular governments' lack of leverage in the regional arena which has been compounded by the end of the cold war and collapse of the Soviet Union has demonstrated their inability to deal with central issues such as the Israeli–Palestinian problem, the crisis regarding Iraq or in influencing American policy in the region.⁵⁶ Taken altogether, secular governments at various points along the way found that the notional Islamic gloss that was found in their constitutions to the effect that Islam is the state religion and that the head of state must be a Muslim at a minimum was no longer sufficient to ensure legitimacy.⁵⁷

While colonialism has long since been relegated to the past, Middle Eastern peoples increasingly have begun to regard the west, particularly the US, in large part, as standing in the way of the success of their futures. Here, speaking in broad terms, the US gradually has become regarded as responsible for the continued poor performance of their governments. There is a strong suspicion that their comprador governments pursue American interests, thus eroding the state's ability to pursue the interests of the broad mass of population. Regardless of the accuracy of the public view, the US is seen as responsible for the effects

of globalization which has a growing impact on the society and economy. The anti-terrorism pursued by the US so avidly is seen as an attempt by it to contrive a crisis situation in order to interfere in the region, a view held not only by Middle Easterners. As public discussion and private attitudes in varying degrees in the different countries have intersected around the process of Islamization, along with many of the above criticisms, the west and particularly the US, is perceived to be responsible for what is believed to be the negative effects of a materialistic secularism. The accumulated problems of Middle East governments outlined earlier have contributed to the frustrated demands and expectations of the peoples of the region in what is regarded as the attack upon traditional values and institutions and the maintenance of regional problems, all of which are laid at the feet of the US.⁵⁸

Falling within the ambit of the religion is this suspicion of unfettered materialism, of secularism and its association with what is regarded as the worst aspects of western cultural penetration and interventionism.⁵⁹ This response as has been indicated earlier is part of a normal response to crises which befall societies within the Middle East and Islamic world. The twentieth-century organizational aspect of it with which we are familiar, for example, the Muslim Brotherhood founded in Egypt in 1928,⁶⁰ emerged partially in response to the disappearance of the Ottoman Empire, but particularly to the abolition of the Caliphate by Turkey in 1924. As a consequence, there was then no ruler responsible for the protection of Islam. There emerged a crisis of identity and the notion of an Islamic State to address the threat to the safety of the religion.⁶¹

It is one thing to have secular education and law under the Ottoman Sultan who claimed to be the Caliph of God and protector of Islam and another to have no Caliph and no one responsible for this protection. This new situation led to the search for solutions among sections of the Muslim community leading to the founding of organized Islamist movements such as the Muslim Brotherhood and much later, Jama'a Islamiya and Islamic Jihad in Egypt. The Muslim Brotherhood spread elsewhere in the Middle East, and other organized groups emerged to pursue Islamic ends. None of the Middle Eastern governments that emerged from the European-dominated mandates could in any way be believed to be fulfilling the role which the Ottoman Sultan performed. And consequently, these governments of questionable legitimacy eventually would find themselves subject to the Islamizing pressures such that they also would further the process of Islamization through attempts to secure themselves in power.⁶²

As the religious—whether personal or political—responses to the changing climate of this period developed, Middle Eastern populations became increasingly concerned with the failure of their rulers and the lack of justice in their lives and in society. Because Islam as a religion had developed independently of rulers through the centuries, in recent years, the inadequacies of governments have encouraged the development of opposition movements associated with some view of Islam. Domestically, the fundamental threat of the loss of Islamic values in society was believed to be retrievable and securable

through attention to the requirements of Islam and the shari'a. For many, only through this strategy could there be the potential of securing the autonomy and well-being of the country and the independence of the government. Thus, the current reformation of Islam has been a result, in the wake of the First World War, of an ongoing steady Islamization and return to a personal piety and, concurrent with these developments, Islamic groups have not only sought the reform of Middle East governments, but also resisted the infliction of unwanted external influences and impositions on their society.⁶³

The modern world in which the Muslim finds himself continues to be in a process of transformation. His beliefs and understandings are being undermined, threatening the security of his inner world and leading many to search for some kind of organic order that would encompass both spiritual and temporal unity. The authors of this volume have taken aspects of these discourses and attempted to explore and explain this phenomena.

Fred Halliday has directed critical attention to studies on the recent emergence of transnational radical movements in Middle East history. He explores the origins of these movements through the varied meanings of the word, *umma*, since its emergence in Islamic discourse—meanings that have become shared historical memories. Selective components of these shared memories have in part contributed to the shaping of the behaviour of modern political movements. These can be recognized in the pan-Islamism of the nineteenth century, the radical pan-Arab nationalisms, the founding movement of the Iranian revolution and extremist transnational organizations exemplified by al-Qa'ida. However, where recent discourse has led to a view of the relations of Muslims to the wider world in terms of cultural and ideational perspectives, Halliday concludes that a more substantive consideration in today's world would be the roles of transnational movements and of states and the diverse interests involved.

In contrast to the focus of recent times on non-clerical transnational organizations, Annabelle Böttcher presents an interesting study of sunni, shi'i and sufi clerical networks in the Middle East. She has studied the global shi'i network of Grand Ayatollah Muhammad Husayn Fadlallah of Lebanon, various Sufi networks of the Naqshbandiyya Kaftâriyya-Naqshbandiyya, Naqshbandiyya-Ghaznawiyya orders such as those of Shaykh Naim al-Qubrusi al-Haqqani, Shaykh Ahmad Kaftârû in Syria and Shaykh Ahmad Yashruti, the leader of the Palestinian Shadhiliyya-Yashrutiyya. Islamic clerical networks consist of loosely organized and structurally amorphous units with objectives that are couched in broad terms. The linkages that exist among the units are based on personal ties. The units themselves are hierarchically structured with a Muslim cleric at its head. Some networks are confined to one state. Others become transnational and several have become global networks. Their broad objectives are the dissemination of Islamic knowledge and the provision of social and emotional support. They are usually led by Muslim clerics having scholarly reputations and sufficient charisma to attract a following.

The purpose of the network is to provide social services and a sense of community to people in need, but primarily functions as a mission to disseminate a particular view of Islam. Networks are structured along sectarian lines, sometimes with a limited number of women in prominent positions. Networks are hierarchically formed within the sectarian bounds that exist in Islam and are linked through common perspectives and mutual interests. They are linked with each other by varied conditions of reciprocity. Within sectarian bounds, however, they are usually composed on ethnic lines and often accommodate themselves to the concerns and particular perspectives on Islam of the host government. Some governments —Turkey, Syria, Iraq and Israel for example— and other regimes are unfriendly to clerical networks. More active networks propagating their own brand of Islamic mission occasionally clash with competing networks. The Middle Eastern world as indeed the Islamic world are crisscrossed with these networks and in Annabelle Böttcher's view each network is so unique and complex that it needs to be studied individually.

While Annabelle Böttcher's study of networks focused on the Middle East, Jorgen Nielsen has studied the Muslim community in Europe and particularly how Muslims cope in a non-Islamic environment over a long period of time and through a number of generations. As we are aware, the shari'a is regarded as central to Islam and attention to it is important to Muslims, what do Muslims do in Europe in order to be secure in the practice of their religion? Do they seek guidance from their home cultures? Nielsen notes that past studies of Muslims living in Europe have tended to focus on the processes of immigration, the cultural patterns of Muslim communities and their varied ties with their country of origin.

Muslim communities, however, are products of a tradition that is different from their environments in Europe. As residents in Europe, it has been necessary for them to work out their destinies in a way that would satisfactorily integrate their Muslim value system and norms into the lives they are leading. This is true not only for Muslims in Europe but also for those in the Muslim world itself. In a rapidly changing world, their identity cannot lie only in concepts that were formed in the classical period of Islam but they must search for ways to integrate their concepts and value systems in a changed and changing world. They need to apply Muslim law, work out their traditions in their environment, and network with other Muslim communities to work out a meaningful role for their traditions. The question asked is, are they beginning to do this with less and less reference to their countries of origin and more with reference to their European environment?

To explore this question, Nielsen focuses on two areas: one is the work and impact of a sunni academic in Europe who is thoroughly conversant with classical *fiqh*, its legal methodology and Islamic history; and the other is whether or how the sufi tradition in Europe might figure in this development of independence of the views of the country of origin. The significance of Tariq Ramadan, the sunni academic, is in his status and adherence to the centrality of

the shari'a but his recognition of the changes that are occurring in the world today. Regarding the sufis, Nielsen focuses on the sufi order of Shaykh Nazim al-Haqqani which traces its origins to a branch of the Naqshbandiyyah in Dagestan, a republic of the former Soviet Union. His two studies lead him to an interesting and complex but tentative set of conclusions. The factors that need to be taken into account are numerous in order to approach an answer to the question of independence of the interpretation of Islam and shari'a in a non-Islamic environment: size of the community, generational change, dominance of the local culture and its context such that it takes over as the 'centre' of their concerns as opposed to the 'centre' of their beliefs being in the traditions of the Muslim world, as well as the authorities of interpretation becoming local.

Much reference has already been made to the shari'a. One of the key demands and expectations of the Islamic revival of twentieth century has been the call for the reinstatement of shari'a as the sole source of law in Muslim countries. Rudolph Peters addresses the question raised by this call: what is the shari'a historically and how has it been transformed by the impact of European organizational forms.

In Peters' contribution, he perceives the shari'a not only as religious law but also containing components of law that are compatible with the notion of what constitutes law in the western sense. The religious component of the shari'a which comes within the purview of the *'ulamâ* establishes a belief system that defines the normative character of a Muslim and his obligation as revealed by God in the religious texts. Where one finds the western sense of law in the shari'a is where it treats with the legal effects of acts and events and the questions of right and obligation. However, because of the differing understandings and opinions on particular issues that characterize Islamic jurisprudence, shari'a law tends to lack a decisive character. In this way, jurisprudential texts do not constitute codes but resemble scholarly discourses.

To make law more positive and consistent in its effect, the codification of law began to be practised by Middle East governments in conjunction with these governments' need for administrative reform, centralization of government and legal unification. The consequence of the emergence of Middle East governments organized on the basis of the European model in the twentieth century has meant that each country had a different debate about the shari'a with non-*'ulamâ*, non-religiously trained participants in the emergence of the public debate. The result is that there is no uniform handling of the shari'a across the region and no uniform codification of the shari'a. Codified parts of the shari'a have become part of legislated national law. The huge amount of uncoded shari'a are now discussed and interpreted by non-traditionally trained individuals whether Islamists, the pious or the secular. Thus, the codified shari'a is under the control of the state, rather than the *'ulamâ*. Should the political systems of Middle East countries become democratized to the extent of there being freedom of expression, debates about the uncoded shari'a which have become politicized may also become democratized.

While Peters has offered an explanation of what the shari'a is and how it has changed from the period prior to western penetration of the region to our period, Robert Gleave sets about to investigate the recent intellectual development in Shi'i legal thought that culminates in an activist role of the *'ulamâ* in politics. In preparing the ground for this investigation, he sets out an account of how Islamic Law originally developed, how the legal theories developed as well as who could develop them. He asks a series of questions about *mujtahids* which are material to an understanding of today's Shi'i world. How do *mujtahids* come to prominence in a system of Islamic law that depends so crucially on an interpretation of the sacred texts? What constitutes their legitimacy? What constitutes the hierarchical structure in Shi'i Islam? It is questions such as these that occupies Robert Gleave's study of the political aspects of modern Shi'ism. His study centres on the work of Ayatollahs Khomeini and Khui, which he suggests express the historical argument in Shi'i theology between a non-political and a political approach to the power of the day.

Of particular importance in Islamic jurisprudence is the search for a clear ruling in law. But because of the ambiguities of Islamic sources, these sources require extensive interpretation such that judgments that are produced often lack the degree of clarity that one would like to see in law. This is true despite the knowledge of the sacred texts that a *mujtahid* is required to have so that he can be skilled in the interpretation of these texts. In practical terms, both Ayatollahs Khomeini and Khui agreed on the general quality that would define a *mujtahid*. However, more specifically, Khomeini felt that a jurist could be considered a *mujtahid* even though he had not yet acquired a reputation of eminence, only that he be knowledgeable in jurisprudence and have a deep sense of what constitutes justice. In his view, the *mujtahid* deals not only with legal matters but also problems of governance. In contrast, Khui presents more rigorous requirements—requiring eminence in all aspects of law. Both Ayatollahs agreed that the pronouncements of a *mujtahid* takes prerogative over the views of the rest of the population and should be followed. But they differed as to the prerogative over the political authority.

Ann Elizabeth Mayer takes another approach to this question of the application of shari'a resulting from the combination of pressures from the Islamist movements and the public and suggests that it is failing in its purpose. She argues that the intention of many proponents of Islamization of Muslim societies is to recreate the ideal society and restore cultural identity by replacing existing western based laws. To some extent, governments have succumbed to this public pressure and have attempted to adapt aspects of the shari'a to existing laws with the intent of ameliorating the affects of social and political maladministration. The result has been that the laws that did emerge in this context served as political measures to avoid needed changes, in effect, serving the political ends of the governing elites.

The case study used to illustrate these developments are the policies of the post-revolutionary government in Iran to Islamize its society. Law in Iran at this time

was largely based on French jurisprudential principles. The revolutionary law that emerged was largely a mixed bag of Islamic and secular law, but a law that was subordinated to the political purposes of the ruling elite.

In general, the advocacy of Islamization as a solution to the problems of Middle East societies has acted as a cover for this subordination to the political purposes of the ruling elites. In fact, the complex social and political realities of the region allow only for a limited application of Islamic Law and where this application occurs as an instrument of government policy it can only succeed to further disillusion their publics as it will not reflect the expected ideal.

It has long since been recognized that one of the main characteristics of the Islamic revival of the twentieth century has been the grasp and utilization of, among other things, the information technology that was current at the time. Gary Bunt focuses on the use of the internet in the Mediterranean Muslim arena in the period before September 11. His interest is in the numbers having access to the internet, the awareness and educational level of those using the internet, governmental attitudes, how the internet is being utilized and the potential for the discussion of political and religious ideas over the internet regionally and globally. While currently, access to the internet in the Mediterranean Muslim area is limited and unevenly distributed, the expectation is that over the next decade access will grow dramatically as governments improve the personal communication of its citizens. More particularly, Bunt focuses on the 'Cyber Islamic Environments' within which Muslim world-views and Islamic ideas jostle and compete with other material available for users of the internet. Given the variety of Muslim views about Islam, it is possible that not only will these views be disseminated abroad but they may also engage over the internet in debate amongst themselves.

Some constituencies in Middle Eastern countries have a predilection for the Islamization of financial institutions. The governments in most of these countries, however, take a cautious approach towards the establishment of these institutions preferring instead, primarily as a practical matter, the conventional forms of banking as carried out in the west. Rodney Wilson centres his study of this phenomena on the very different responses of Egypt and Saudi Arabia.

In Egypt, a form of Islamic banking emerged in 1963. Loans ordinarily were issued without collateral and payments were made on the principal only. If the loan was issued on a commercial basis, the bank shared in the profits that had been generated by the loan. Deposits were demand deposits, without interest. Later, the operation of the bank came under government regulation and subsequently, when viewed as antithetical to the secular nature of the government, the bank was taken over by the state. In 1972, a second Islamic bank emerged but never became prominent in the financial sector.

The experience of Saudi Arabia, though the home of Islam's holiest shrines, was different. The Saudi government showed a marked reluctance to establish Islamic banks and when established to allow them to be identified as Islamic. In 1952, however, to avoid reliance on foreign banks, the Saudis established the

Saudi Arabian Monetary Agency (SAMA) as a central monetary agency with the ability of regulating banks and issuing money. While it could not deal in interest or refer to itself as a bank, however, in other respects it functioned as a conventional central bank. Since its formation, SAMA has expanded its activities but continues to operate on a conventional basis.

As evident in much of the preceding analysis, historically, many of the movements having religious overtones arise in the context of social, economic or political change. Quintan Wiktorowicz, for his part, seeks to advance research in issues of Islamic activism within a broader framework of social movements theory. He observes that the dynamics, processes and organization of Islamic activism do not necessarily deal with matters that are solely specific to Islam. Islamic activism tends to attract a wider involvement expressing wider interests and diverse participation. But all this occurs in a broadly defined common agenda. He suggests that Islamic social movements themselves can be explained through a number of perspectives. For example, how formal and informal collectivities are formed, particularly Islamic networks and structures for mobilization and a means for opening up more extensive opportunities for political activism.

Social movement theorists have also involved themselves in the construction and evolution of meanings that work to bind and motivate social movements. For Islamic movements, most construction of meaning occurs through society and cultural discourse and not the state. The impact of ideology on activism is still not fully understood. How does ideology develop and relate to activism and other processes that are involved in societal dynamics? Islamism is a fertile field for this type of research. In more recent years, social movements have become more intensely transnational and are responding not only to domestic conditions but also to the effects of globalization on the societies themselves and the social movements within them. In general, social movements and in particular, Islamic movements, are further areas for scholarship in the study of identity and identity formation.

As can be seen from the work elaborated in these contributions, the current reformation under way in the Middle East and Islamic world is complex and not in any way under the control of a single force or influence. While it is not unusual for there to be numerous movements, domestic and global, concerned in some way with Islam, Qur'an, Sunna and shari'a, it was been shown by our authors that this is not an uncomplicated idealistic set of occurrences but very much influenced and affected by domestic and transnational conditions unconnected with religion. As researchers of Islam have pushed scholarship further into the past, this fact of the non-religious influence upon the development of the religion and its history has been revealed.⁶⁴ The meaning of this in today's world can be suggested. Governments, both western and Middle Eastern, are deeply implicated in the conditions under which people of the region live. Middle Easterners caught in the triangular vice of secular governments, the west and Islam, want a reasonable standard of living, inclusion in the wider

world and, in a wide variety of ways, Islam as a way of life. Unless and until there is secure movement toward improved governance, and Middle Easterners have some measure of control over their lives and the safety of their society in the face of rapid change and transformation, stability in the Middle East will continue to be a source of concern.

NOTES

1. See, for example, *Washington Report on Middle East Affairs*, Washington, DC, a monthly magazine whose brief is to try to offset the negative press by exposing a variety of serious analyses not only about politics and policy but also concerning Islam; Donnan [2002:1–5]; Arkoun [2002:11], ‘political scientists...have a strong relationship with...political decisionmakers...[and] a tacit solidarity with the most powerful media’.
2. See, for instance, Mitchell [1969].
3. See, for instance, Kerr [1966]; Hourani [1983]; Hallaq [1997: Ch.6].
4. See Roy, ‘Bin Laden’ [2001].
5. See Ruthven [2000]; Mortimer [1982]; Voll [1994]; Piscatori [1986].
6. See, for instance, Euben [1999]; Salvatore [1997 (1999)]; and Wiktorowicz in this volume.
7. See, for the complexities of the Islamic phenomena, Halliday [1996]; Schulze [2000]; Gaffrey [1994].
8. See, for instance, Crone and Hinds [1986] for the very early period to AD 750; Hodgson [1974: Vol.1, 164–279]; Smith [1957:26–40].
9. See, for instance, al-Mawardi [1996] which gives a comprehensive account of all the possibilities of the structure of governance, legitimate and alluding to the illegitimate, a work that remained influential into the nineteenth century; Makdisi [1990] which puts forward an explanation for the confirmed binding of the revelation over rationalism, though not its displacement, in the interpretation of the sacred sources—Qur’an and Sunna—and the caliph’s inability to alter this outcome; Mottahedeh [2001] for an indication of the relationship among the governing establishment and the influence of the religion upon it during the tenth to eleventh centuries.
10. David Ayalon, ‘The Great Yasa of Chingiz Khan: A Re-Examination’, in Ayalon [1988]; see Ch.IVD.
11. Non-ideological in the sense of not preferring one law school over another, Jackson, ‘The Primacy of Domestic Politics’ [1995:52–65].
12. For those interested in comprehensive history and analysis, see both Shaw [1977]; Inalcik [1997]. Hodgson [1974: Vol.3, 3–58, 99–161]; Lewis [2002:21–73]; Ann K.A.Lambton, ‘Persia: The Breakdown of Society’, in Holt, Lambton and Lewis [1970:430–67]; Avery, Hambly and Melville [1991:3–212].
13. See interesting analysis of the simultaneous transformation of European views of the Ottoman Empire as the impact of the Enlightenment ideas begin to kick in, ,irakman , ‘From Tyranny to Despotism’ [2001:49–68].
14. For three different discussions and explanations, see Hardt and Negri [2000:138–50, 183–90]; Buzan and Little [2000:251–66]; Hodgson [1993:44–71].

15. See Glenn [2000:157–204].
16. See Karpat [2001:6–8].
17. Weismann [2001]; Kerr [1966]; Commins [1990]; Brown [1996:29ff]; A.Merad, 'Islah', in Van Donzel, Lewis and Pellat [1973:141–63]; Hallaq [1997:209-10ff].
18. A.T.Welch, 'Muhammad', in Bosworth, Van Donzel, Heinrichs and Pellat [1991].
19. B.A.Roberson, 'The Islamic Belief System', in Little and Smith [1988:85–108, 93–4]; Glenn [2000:182–87].
20. See Crone and Hinds [1986:58–96, 96–9, 108–10].
21. For an example of how this matter is handled in Egypt, see Frank Vogel, 'Conformity with Islamic Shari'a and Constitutionality Under Article 2: Some Issues of Theory, Practice and Comparison', in Cotran and Sherif [1999:525–44].
22. These are the traditions of the Prophet including what he said and did in the course of his prophetic life.
23. Maliki, Shafi'i, Hanafi, Hanbali (all Sunni) and Jafari (Shi'i), to name the principal schools.
24. See Sourdel [1983].
25. Reinhard Schulze, 'Citizens of Islam: The Institutionalization and Internationalization of Muslim Legal Debate', in Toll and Skovgaard-Petersen [1995:167–84, see p.172].
26. See, for example, Hallaq [1997:1–124]. Also see Lama Abu-Odeh, *Modernizing Muslim Family Law*, pp.4–9 which is a work in progress.
27. Leaman [2001: Part II, in particular Ch.5].
28. See, for example, Hallaq [1997:148–53].
29. See Glenn [2000].
30. Hodgson lays out nicely how the accumulation of the myriad of changes surrounding the emergence of science in Europe led to the technicalization of its society and all of its activities abroad bringing fundamental global economic change in its wake not replicated in the Islamic world with which it could not catch up nor compete by the time of the nineteenth century, see Hodgson [1993].
31. Roberson, 'The Islamic Belief System', in Little and Smith [1988:85–108, 93–4].
32. These were non-reciprocal agreements of extra-territorial privileges in which the Ottoman government early in its history had bestowed upon primarily European governments. These agreements extended protection to European agents in their trading and commercial activities in the Ottoman Empire. See Watson [1992].
33. The greatest example of this effect of the 'Enlightenment' was the work of the scientific team which Napoleon took to study Egypt during the three year French occupation from 1798–1801. Their results represent the quintessential classic modernist model, France. Commission des sciences et arts d'Égypte, *Description de l'Égypte, ou, Recueil de observations et des recherches qui ont été faites en Égypte pendant l'expédition de l'armée française, publié par les ordres de Sa Majesté l'empereur Napoléon le Grand* (Paris: Imprimerie impériale, 1809–28); Russell [2001].
34. Jazairi in Commins [1990]; Hourani [1983: Ch.4]; Vatikiotis [1985:102]; Keddie [1983 (1968)].
35. See, in particular, al-Sayyid-Marsot [1984].
36. For the reconceptualizing of *umma*, see Fred Halliday, in this volume and Schulze, 'Citizens'. For the emergence of the salafiyah response in Syria, see Commins [1990]; for the sufi and salafiyah responses in Syria, see Weismann

- [2001]; for the salafiya response in Egypt, see Kerr [1966]; Hourani [1983: Chs.5, 6, 10].
37. See Rudolph Peters in this volume for how the shari'a as well as the '*ulamâ* have been affected by the impact upon Middle Eastern Muslim societies of the changes occurring in the eighteenth to the twenty-first centuries.
 38. See Cook [2000].
 39. The work of Arkoun [2002] is a prime postmodern example. See the cautioning of Rudolph Peters as regards the understanding of outsiders concerning the current results of Muslims absorption of ideas in the reworking of the shari'a (pp.92–3 of this contribution).
 40. Levtzion and Voll [1987:3 and Introduction]; see also Brown [1996:21–27]; Karpat [2001: 5–7].
 41. The 'righteous ancestors', referring to the Companions of the Prophet, the first generation after the Prophet and for some this period can extend to 855 CE. For an excellent definition/explanation for al-salaf al-salih, see E.Chaumont, 'al-salaf wa 'l-khalaf', in Bosworth, Van Danzel, Heinrichs and Lecomte [1995:900]; see . Merad, 'Islah', in Van Donzel, Lewis and Pellat [1973:150], for further discussion for the length of time which the *al-salaf cover*.
 42. Smith [1957:35–6].
 43. As regards maslaha, see Hallaq [1997:112–13, 131–2, 150–53].
 44. Wael B.Hallaq and A.Layish, 'Talfik', in Bianquis, Bosworth, Van Danzel and Heinrichs [1998:161].
 45. For a discussion of the classical development of abrogation, see Hallaq [1997:68–74]; for a radical use of this concept, see An-Na'im [1990].
 46. See contribution by Rudolph Peters in this volume. See also entry of A.Layish and R. Shaham, 'tashri', in Bianquis, Bosworth, Van Danzel and Heinrichs [1998:353–4]. *Tashri* refers to the incorporation of aspects of the shari'a in national law codes.
 47. See Robinson and Gallagher (with Alice Denny) [1981] for the suggestion that spheres of influence are often a prelude to colonialism.
 48. George Joffé, 'Relations between the Middle East and the West: The View from the South', in Roberson [1998:45–73].
 49. Seale [1986]; Tripp [2000]; Owen [2000], see Egypt sections.
 50. See Roberson [forthcoming].
 51. See al-Sayyid-Marsot [1977].
 52. See the classic work of Hudson [1977].
 53. See Owen [2000].
 54. This call began in earnest after the emergence of the Muslim Brotherhood. See Kepel [1985]; Esposito [1983].
 55. See Ajami [1992].
 56. B.A.Roberson, 'The Impact of the International System on the Middle East', in Hinnebusch and Ehteshami [2002]; B.A.Roberson, 'Introduction', in Roberson [1998:1–19].
 57. See, for example, the section on Political Islam in Murphy [2002:41–166].
 58. See, for example, Chs.10 and 13 in Murphy [2002:167–85, 252–72].
 59. Joffé, 'Relations between the Middle East and the West', in Roberson [1998:60–62].
 60. Mitchell [1969].
 61. See Hourani [1991:316].

62. See Skovgaard-Petersen [1997:63–79].
63. See issue devoted to Political Islam of *Annals of the American Academy of Political and Social Science*, Vol.524 (1992); Ruthven [2002]; Owen [2000], see Egypt sections; Ayubi [1993].
64. The works of Sherman Jackson, Ridwan al-Sayyid, Frank Vogel and David Powers, are to name but a few scholars.

2

The Politics of the *Umma*: States and Community in Islamic Movements

FRED HALLIDAY

Introduction

In September 2001 a group of Islamist militants launched a concerted attack on targets in New York and Washington. The perpetrators of these actions were associates of an organization named al-Qa'ida, literally 'The Base' or 'The Foundation'. As was made clear from statements issued before and after September 11, this organization espoused a brand of radical Sunni fundamentalism, loosely known as salafi, or 'ancestral'. In addition to denouncing the west and the *munafiq*, 'hypocrite', Arab regimes allied to the west, it also espoused, and practised, a form of religious transnationalism [Ruthven, 2002]. Its espousal took the form of calling for the unity of the Muslim community, or *umma*, in a fight, *jihād*, against the west, particularly Americans and Jews, and of declaring its backing for a number of distinct struggles in which Muslims were involved: Palestine, Iraq, Afghanistan, Kashmir, but also Bosnia, Chechnya, Sinkiang, the Moro islands of Philippines.

The organization was transnational in practice in that not only did it recruit its members from a wide range of countries, some Arab, but many not, but it itself was an apparently deracinated group. It was led by Saudis and Egyptians, and used Arabs for its US operations, but was based in a non-Arab country, Afghanistan, and with close ties to the rulers of that country, the Taliban, and to militants in Pakistan. Here, it seemed, was transnationalism incarnate: those seeking to grapple with the phenomenon resorted to various terms to try to capture this, 'Terror Inc.', 'Around the World in Eighty Jihads' [Bergen, 2001], and, for French analysts, the term, *mouvance*, something more than a movement, but less than a party. This transnationalism was effective, in mobilizing support and sympathy, and in commanding such loyalty that its members were willing to kill and die in its name. It was certainly, in contrast to much transnationalism of the 1990s, illiberal and retrogressive, not only terrorist in method, but racist in rhetoric, and authoritarian in political and social policy [Halliday, 2001: Appendices 1, 5, 6]. It raised, however, a range of questions about Islamist movements, and about rhetoric, in particular, and about transnational movements

in general, which it is the intention of this essay in some measure to identify. This was global uncivil society in action.

The purpose of this contribution is to examine Islamic transnationalism through analysis of the movement and its discourse, in particular the central term used to define and legitimize this transnationalism, that of *umma* or community. This is a term which has been much used in modern Islamist discourse, from the nineteenth-century pan-Islamist movement of Jamal al-Dîn al-Afghani, through many twentieth-century movements, including the Muslim Brotherhood and the Iranian Revolution, to the pronouncements in 2001 of al-Qa'ida. The argument that follows aims to chart different contexts, and uses, of this term, but also to suggest, through this particular case, some more general considerations about Islamist politics and, indeed, transnational politics as a whole.

No analytic issue is more debated within the study of Islamic politics than that of interpreting discourse, in particular the degree to which the language of politics reflects long-established, cultural and religious, meanings or, alternatively, is a product, contingent and variable, of the contemporary world. The predominant approach to the study of Islamic values in politics is to search for a meaning given by history, culture, text [Lewis, 1988]. This, the classic approach, often described, or abused, as 'orientalist', has been revitalised in recent years by shifts within social and historiographic theory, whereby ideational factors have come to be given greater importance, as against interests, institutions or classes. Whether in the constructivist approach of some writers in International Relations, or in the emphasis of the Annales school on long-term cultural factors, *mentalités*, these ideational factors have regained much of their lost ground. Yet, this ideational turn is not without its critics. The case for considering Islamic concepts within a modern context, political and intellectual, has been well made in recent years by a number of writers working on politics and ideology in the Middle East, among them Sami Zubaida, Aziz al-Azmeh and Ervand Abrahamian [Zubaida, 1991; al-Azmeh, 1993; Abrahamian, 1993]. In contrast to the approach of many scholars of religion, and traditional historians of ideas, and in contrast to many who proclaim Islamic ideas themselves, these 'modernist' authors stress the context in which these ideas are reproduced and proclaimed and the links between apparently distinct Muslim ideological terms and broader trends in contemporary radical politics. Thus concepts of state, people, imperialism, liberation, equality may be phrased in an Islamic form, but they are part of modern third world politics [Eickelman and Piscatori, 1996].

The German historian Reinhard Schulze has also adopted such an approach: in the introduction to his *A Modern History of the Islamic World*, he stresses the degree to which the Islamic world, far from being separate from the European, has been in communication with it for centuries and must be analysed in this context [Schulze, 2000]. Drawing on the concept of *Weltzeit*, 'world-time' or universal time, he argues that the major formative influence on the Islamic world in the twentieth century was not Islamic culture or 'Islam' as such, but the modern international context, in its economic, social and political forms. In

particular, he stresses the importance of the territorial state, and its associated ideology, nationalism, in shaping the modern Muslim world. Islamic discourse as such is a form, but not a content, through which contemporary political concerns are expressed.

One of the themes running through Schulze's history is that of the *umma* itself [2000:303, fn. 4]. He argues that this concept too was flexible, and indeed served to reinforce, rather than challenge, the hold of the territorial and national state. Not only secular nationalism of the mid-twentieth century, up to around 1970, but even later Islamist movements espoused a concept of politics, and legitimacy, focused on the state. Thus, he shows that during the First World War, Ottoman appeals to Islamic sentiment counted for little in the face of more specific, national, concerns amongst Muslims in the Czarist empire or Arabs revolting against Ottoman rule [2000:41]. When the Saudi tribes espousing Wahhabism took over the Red Sea region of the Hijaz, site of Mecca and Medina, in the 1920s, they destroyed its historically more cosmopolitan culture [2000:69]. After surveying the following decades of secular and religious movements, all wedded to ideas of sovereignty and the state, and taking in the role of Muslim elites in promoting the break-up of the USSR and Yugoslavia, he concludes:

The vision of an Islamic sovereignty which would be in a position to end wars and disarm conflicts by restoring Islamic cosmopolitanism has remained a dream. It is often lamented that the creation of a 'unity in multiplicity' based on Islam has not been achieved; that the elites of Muslim societies have been far too ready to appeal to the United Nations or to the West for help in cases of conflict, and thus to sign away to the West their recently acquired sovereignty. And with the wars, the cultural sovereignty of the Islamic world has also perished [2000:279].

Yet, Schulze also recognizes that the twentieth century has made its contribution to 'the formation of a transnational Islamic identity which often sharply contrasts with the various "native" histories of nation states. Within the global context, Islam has threatened to become an ethnic quality which competes with traditional forms of ethnicity' [2000:279]. The idea of the *umma*, therefore, lives on, entwined in a world of states and local or national loyalties, but none the less attractive, flexible and, not least, available for use by political movements that find it suits their purposes.

The analysis that follows is designed to be a contribution to a discussion of *umma*. It begins with the starting-point of all uses of traditional and cultural symbols, the historic legacy on which contemporary politics draws, what Anthony Smith, in his work on nationalism, terms 'shared historical memory' [Smith, 1991: Ch.2] or 'substratum'. Smith, to some degree, and, even more so, nationalists and religious thinkers, claim that this legacy is itself a discursive variable, that is, it shapes how contemporary thinkers and movements behave. Modernists would question this [Anderson, 1983]. Whether this substratum has

any effective influence on the contemporary, whether indeed it displays unity in its meanings, or imposes any interpretative or definitional constraints, may remain open. The analysis then proceeds to look at certain instances, four in all, in which the concept of *umma* has been deployed in modern Middle Eastern politics: if these reinforce the potency of the term, they all suggest its variant uses and its relation to concerns of state. Finally, some suggestions will be made about the implications of this for two broader analytic concerns, Islamist politics, on the one hand, and transnational and internationalist politics, on the other.

Umma in Islamic Tradition

The Arabic term, *umma*, is cognate with Hebrew, *am*, people, both derivative of Aramaic and Akkadian. It occurs frequently in the holy texts that constitute the Islamic tradition or Sunna: at least 62 times in the Qur'an and frequently in the hadith or sayings of the Prophet Muhammad, and repeatedly if in variant meanings in the statements of Muslim rulers, '*khulafa*', literally 'successors' until the abolition of the Caliphate in 1924. If you are looking for a substratum, this is it.

A closer examination of these elements of tradition reveals a diverse set of meanings and options. First, in the Qur'an itself, the word has at least 12 different meanings [Dallal, 1995:267]. The most important, but by no means exclusive, usage relates to the community of believers who were ruled by Muhammad during his period in Medina (AD 622–632). The hadith appear to confirm this, with the most important saying being that which declares 'My people will not agree upon error' (*inna ummati la tajtami'u 'ala dhalalatin*). This saying, an Arabic version of the Latin *vox populi vox Dei*, goes against, in effect excludes, one of the other Qur'anic meanings, that of a group of misguided people (Qur'an 27.83, 43.33). As an assertion of authority of the *umma*, it was used and is still used as the basis for claiming legitimacy for the will of Muslim communities and states. This is particularly so when it is linked to the other oft-used Qur'anic verse (4.59), 'Obey God, and the Prophet and those in authority over you'. In the classical texts, this meaning is closely linked to the concept of *fardh*, or duty, both individual and collective, of which more later.

Yet, there are other themes, diversities available in the substratum, which are also evident. First, it is not always the case that the concept of *umma* has a particularly religious, let alone Islamic, connotation. It can, even in the Qur'an, be used in a secular, descriptive sense, to refer to any group or community of people. In the state of Medina, the constitution which governed it specifically states that the *umma* includes both Jews and Muslims, that is, is not defined by religion. Secondly, Islam, like other religions and modern political ideologies, grapples with, but does not, resolve, the issue of the unity or diversity of mankind. On one side, there is a strong, proto-cosmopolitan, streak stressing unity: Sura 10.9 states that 'People were once a single umma but they differed', perhaps an echo of the theme found in Judaism and Christianity on the original,

later, sundered, unity, including in language, of mankind (the Tower of Babel story). Islam makes, by definition, a claim about the unity of all mankind, united in worship of the one God, a theme taken up in some contemporary Islamic responses to globalization. Yet there is also a strong claim within Islam for respect of diversity: the Qur'an, in a Sura much cited in these times of cultural clash, states 'I created peoples and tribes so that they should get to know each other'.

The last speech of the Prophet, made on his short return to Mecca in 632, proclaims that all men are equal, descended from Adam: the Arabs are in no way superior to non-Arabs, except in devotion [Rodinson, 1971:286]. While Islam claims to be the supreme religion, the last revelation, and makes a universal appeal to all humans to convert, literally 'submit', the Qur'an and later usages allow for there being, and remaining, a diversity of communities, of *ummmum*.¹ Thus the Qur'an applies the word in some cases to each group of people who follow a Prophet (5.48, 10.47), while one source gives a hadith according to which 'On Resurrection Day there will be, finally, seventy *ummmum*': the Muslims will be the last and best of these communities, but clearly by no means the only one [Denny, 2000:862–3]. Thirdly, the very definition of an *umma* as a community of shared values, religious or not, has political implications: one is that it should, where possible, coincide with a political authority, as was the case with the Prophet in Medina and was to continue to be the case for his four immediate successors. Subsequently, the relation between state and *umma* was to become less congruent: under the first Arab dynasty, the Ummayyads, a sense of strong Arab identity led to a reduction in commitment to the broader community, which by now included Persians and others, while under the Abbasids, who were strongly influenced by Persia, and under the Ottomans, who ruled a multi-ethnic empire, *umma* became a symbol of unity.

The textual, and historical, authority of *umma*, is, therefore, indisputable. The substratum is there. But this substratum is neither unequivocal nor determinant of subsequent meanings, and actions. Four points of particular relevance to later discourse emerge, however, from this. First, the term is the undisputed one by which to refer to community of believers, and in the first instance Muslims; secondly, the term can also be used to refer to other communities of believers, or to groups constituted on a basis other than religion; thirdly, there is a tension inscribed in the very uses between the aspiration to convert all of mankind into one community, of 'those who submit', *muslimin*, or 'believers', *mu'minin*, and the recognition of diversity as inevitable and/or desirable; finally, the assertion of a Muslim community is intimately related to the strength of shared norms, that is *umma* entails not only a common Muslim community facing other non-Muslim peoples, but is dependent upon the espousal by that community of its internal values and faith, and the fulfilment of duty.

Umma in the Age of Nationalism

Umma denotes, therefore, a community with its own state, but this relation is flexible, contingent: this implies that the substratum here, as elsewhere, is a reserve of meaning, not a set formula, for the delineation of state, legitimacy, community in modern, as in anterior, times. If we examine what happens to the term in the context of the modern world, Schulze's 'world-time', then this contingency becomes all the more evident. *Umma* is a term available for use by thinkers and movements in a variety of contexts, almost without definitional limits and without any necessary theoretical or practical implications. The culture is not determinant, but contingent on other factors, be they states, movements, economies. This contingency also entails a modernist approach to the issue of ideology itself: it is fruitless to begin by posing the question of how far Islam, as a transnational religion, is compatible with the modern state or modern nation [Naqavi, n.d.]. The answer is self-evidently that it is. Ideological assertions of the unity of all Muslims, or of Islam as one nation, are above all aspirations by those who proclaim them to have the power, that is state power, to enforce them. Nor should the issue of a multiplicity of ideological affiliations pose a problem: any Arab Muslim has available three major forms of affiliation (local state, pan-Arab, Muslim), just as any Turk has available a diversity of affiliations (Turkish, pan-Turkic, Islamic, European) and any Jew an almost equally wide range of options (Judaic in the religious sense, diasporic, Zionist). Modern nationalism, and identity politics, do not require that the political subject choose between these. Rather the subject is able to proclaim all forms of identity, shifting the balance as between one and the other depending on circumstances. This, not textual or cultural legacy, explains the fate in modern times of *umma*.

(i)

Nineteenth-Century Islamic Reformism

It was in the nineteenth century, under the impact of European encroachment, that the Muslim world began to give prominence to the concept of *umma* as modern political community. The most vocal exponent of this was Jamal al-Din al-Afghani (1839–1897), an activist who at various times worked in the Ottoman empire, in Egypt and in Iran to promote a revival of the Muslim world. In his usage, *umma* referred to a nation in the modern sense, that of the Muslims being on a par with the English, the French, the Germans. Al-Afghani believed in the uniting of all Muslims, in part through the domination of one Muslim ruler, but, equally, through a revival of Islamic civilization and a restoration of the essential solidarity, *ta'assub*, which binds all communities together [Hourani, 1962:107–29]. The record of pan-Islamism in this period, from the middle of the nineteenth century through to the First World War and the collapse of the Ottoman empire, illustrates the contradictory fate of *umma*. On the one hand, this period saw a widespread development of sentiment in Muslim countries, in the Ottoman

Empire, Egypt, Persia, Czarist Russia, British India and elsewhere. Common themes, amongst them the unity of the *umma*, were evident. There was also considerable interchange of ideas, literature and a form of transnational activism, of which al-Afghani was the most evident example. Yet what in effect happened was not the formation of a united Muslim political community, but rather the inflection by states, and by political movements within states, in other words, by nationalist movements, of these themes for purposes defined in large measure by these states and by national, state-defined, contexts.²

By the end of the nineteenth century, the very term, *umma*, came to be used in a variety of ways, the polyvalence of the substratum compounding the variety of contemporary political forces. It denoted, depending on context, the Muslim community as a whole, Arabs, and specific Arab peoples, for example, Egyptians. The tension between religious and more limited, territorial, usages is always present. For example, in 1881, the Sheikh of al-Azhar, Husain al-Marsafi, in his *Risalat al-kalim al-thaman*, 'Tract on Eight Words', defined *umma* as a community determined not only by faith but also by territory and by language, a common tongue being, in his view, particularly important. Among the examples he gives are Egyptian and Hijazi 'nations', *al-umma al-misriya* and *al-umma al-hijaziya* [Ayalon, 1987:27–8, 138].

This modernity of context, and the dependence of any politics of the *umma* on that context, was born out by the record of al-Afghani's ideas and of their impact. The very interpretation al-Afghani gave to this concept was one shaped by modern context and by modern ideas: the context was that of European pressure on the Islamic world, directly through annexation of territory, indirectly through commercial and political influence. The contemporary intellectual context was that of the rise of nationalism in Europe from which he learnt: his model for a programme of Islamic unification was that of Germany. What is remarkable, in retrospect, about al-Afghani is that, in comparison to later Islamist thinkers, he has a far more open, positive, attitude to western ideas and to the western world than later fundamentalists: he engages with French thinkers, visits Britain, and is curious, if not wholly won over by, western practices. The two Europeans he most engaged with were the historian Guizot, from whose *Histoire de la Civilisation en Europe*, published in Arabic in 1877, he derived his concept of civilization, the revival of which was essential to the Islamic world, and Ernest Renan, with whom he debated about science and Islam [Hourani, 1962].

Unlike some later writers, who denounce all they find in the west as *jahiliya*, 'ignorance', the term used for pre-Islamic Arabia, al-Afghani tries to learn from and engage with his European interlocutors. In practical terms, he worked to find an Islamic ruler to champion his ideas, and he collaborated in particular with Sultan Abdul-Hamid in Istanbul. In other words, only through working with a state, in this case an imperial one, could his ideas find realization. Moreover, the real impact of his ideas, combined with a context of European intervention in the Middle East, was to strengthen nationalism within particular states. His ideas contributed to the emergence of the Egyptian nationalist movement in the 1870s,

to the rise of Persian nationalism in the tobacco boycott of 1891–92 and to the Persian revolution of 1905–6, a widespread social and political protest movement that marked the emergence of radical nationalism in that country [Browne, 1966:1–30]. In the Arab world, nationalism, both pan-Arab and local state, most notably Egyptian, was on the rise. In the Ottoman Empire, the trend was also one that strengthened nationalism: first, in the Young Turk revolt of 1908, whose very name marked a move away from both Ottoman and pan-Islamic identities, and secondly, in the Kemalist revolution of 1920–23, which marked the final break of the Turkish state from any broader, pan-Islamic, Ottoman or pan-Turkic past. A revival of sentiment among Muslims there was, but divisions of nation, and state, shaped this process.³

(ii)

Fundamentalism and Nationalism: The Arab Case

The onset of nationalism in the twentieth century took place, therefore, in a situation in which the ideas of Islamic unity, and of external domination, were already well established, and in which the term, *umma*, was available, in a range of meanings, to denote the community dominated by imperial powers and now exhorted to struggle against this domination. It is not surprising, therefore, that, on the one hand, the term, *umma*, should have become a common one in the political discourses of the Arab world in the twentieth century and that it should have a variety of distinct, equally licensed, meanings within both the discursive legacy of the substratum and the contemporary, world-historical, context of the Arab world. Important here is the use of the term, *umma*, and of the idea of Islamic unity by the most powerful Sunni fundamentalist group to emerge within the modern Arab world, the Muslim Brotherhood (MB), established in Egypt in 1928. It was the rhetoric and programme of the Brotherhood that was to dominate much later fundamentalist thinking, including those salafi movements that emerged after the Second World War and, through them, to shape the thinking of al-Qa'ida. The timing of its establishment in 1928 reflects both continued British domination of Egypt and the crisis, a very transnational one, felt in British India as well as in the Arab world, occasioned by the abolition of the caliphate by Turkey in 1924: the response of the MB was also, in rhetoric, a transnational one [Abdelnasser, 1994].

The appeals of the MB and its affiliates will be examined below. They were, however, to be very much weaker than those of secular nationalism, especially in the radical form which came to dominate the Arab world from the 1940s: in the Arab context, the partial character of decolonization, the Second World War, and the Palestine question combined to promote the emergence of a radical nationalism that used some Islamic vocabulary but was secular in leadership and intent. Nasserism in Egypt (1952–70) and Ba'thism in Iraq and Syria (1968–, 1963–) were the most cogent expressions of this radical nationalism. In each case, the goals of independence and of building socialism, this latter defined as

state control of society and economy, were combined with an appeal for Arab unity: the term used to denote this Arab community was *umma*. It was taken for granted, by Nasserists, Ba'thists and many others, that the Arab world should unite into one state, and that its failure to do so was intimately linked not only to external manipulation, and partition, but also to the internal weakness of Arab society. Thus, the very term used by the Ba'thists, *ba'th*, signifying 'revival', proclaimed a programme of inner strengthening, the better to defend the *umma*. The Ba'thist slogan defining their mission was *umma 'arabiya wahida ma'a risala khalida*, 'one Arab nation with an eternal mission'.

This usage of the term, *umma*, replicated the fluidity and contingency found in other cases. First, while the term, *umma*, was used to refer to all Arabs, the term, *sha'b*, (people) could be used interchangeably, depending on the preference of the speaker, to refer to all Arabs, or, if more wary of panArabism, to denote specific Arab people, such as the Egyptians, Yemenis, or Tunisians [Halliday, 1990]. Secondly, as throughout the history of Arab nationalism from the mid-nineteenth century onwards, the proclamation of Arab nationalism was connected, in a loose way, with the culture of Islam. No one claimed that Arabs were all Muslims, but all Arabs, even Christians, conceded some special relation to Islam. This allowed for, when it did not promote, the deploying of terms with some religious connotation by nationalists: the *risala* of the Ba'th was related to the word for Prophet, *rasul*, those who fought for independence were *da'iin* or *mujahidin*, both religious terms for strugglers. In such flexible discursive times, it presented no, or little difficulty, for the community of Arabs to be the *umma*.

The problems with the appeal for Arab unity lay not in the realm of discourse at all, but in that of real world politics, and in particular in that most secular of domains, relations between states. In Nasser's time, especially in the late 1950s and early 1960s, several attempts were made to establish Arab unity, first between Egypt and Syria (1958–61), then between Egypt, Syria and Iraq (1963) [Kerr, 1971]. These ended in failure, as did later attempts at unity between Egypt and Libya (1973), and between Syria and Iraq (1979). The reasons for this failure were not hard to find, although the Arab world took time to come to terms with them: for all their artificiality, the states established after the Ottoman empire had acquired an autonomy, and separate interests, that could not be merged from on top. The claims of *umma*, even when the community was restricted to socialist Arab states, were less powerful than those of local nationalism and separate state interests.

A later, dramatic, chapter in this attempt to achieve Arab unity from above was written by Iraq, with its invasion of Kuwait in 1990. A unity of struggle against the imperialist, Zionist and reactionary Arab rulers was claimed by Iraq. In Saddam's case, he also threw in appeals for a *jihâd*, although as a secular leader he had no theological authority to proclaim such a war. Thus, in January 1991, just before war began, he declared that the Iraqi flag, previously a secular one with three stars representing the, temporary, three-stage union of Iraq, Syria and Egypt in 1963, should now have inscribed on it the Islamic slogan 'God is

Great', *allahu akbar*. After the first air attacks, the Iraqi President issued an appeal to the 'offspring of the Muhammadan tradition, offspring of the prophets and messengers and offspring of those faithful ones who carried the torch of Islam' to fight the traitors and infidels (*BBC Summary of World Broadcasts*, 18 Jan. 1991). In the last stage of the war, he issued an appeal to all Arabs and Muslims:

Jihad is today a definite obligation for every Arab and Muslim. Our masses should exhibit a sacrifice and enter the field of the great duel, the mother of battles, with all their resources. Victory is destined for the camp of the faithful forces over which the banner of God is Great waves. Defeat is destined for the camp of atheism, hypocrisy and treason (*BBC Summary of World Broadcasts*, 27 Feb. 1991).

Saddam's overall ideology was entirely secular, and he had, in the course of his rule, crushed independent religious institutions in Iraq. One of the reasons for the launching of the 1980 war against Iran was precisely the challenge posed by radical Shi'ite groups, notably *Al-Da'wa*, to the Ba'thist state. But in the conflict over Kuwait, along with broader, secular, appeals he included religious symbols and claims. His language was, like that of Qaddafi, and later of al-qa'ida, a mixture, eclectic and opportunistic, of whatever terms he saw fit to use. This included terms of denunciation of his enemies: they were, amongst other things, *munafiqin*. The Amir of Kuwait was *Qurun*, the rich man of the Qur'an, often mistranslated as 'Croesus'. The rulers of Kuwait and Saudi Arabia were also 'bats', birds of the night who would be sent scurrying away by the light of the heroic Iraqi entry into Kuwait. The war with Iran was a *Qadissiya*, named after the battle in 636 in which the Arab armies of Islam defeated Persia. The sanctions imposed on Iraq after 1991 harked back to the battle of *al-Khandaq*, in which the Prophet and his followers were surrounded by enemies [al-Harrasi, 2001].

Iraq, at this time, had considerable sympathy in the Arab and Muslim worlds. Yet this appeal to the *umma* also had its limits: the masses did not rise, and in some Muslim countries there was antipathy to Iraq [Piscatori, 1991; Halliday, 1991]. Differences of popular attitude, on the one hand, variant calculations of state interest, on the other, accounted for this diversity: in Iran, there was a definite, if largely unstated, support for the coalition against Iraq. While Iraq was making its appeals for solidarity, other countries, notably Saudi Arabia, were rallying their Islamic supporters on the other side. Where there was sympathy, as often outside the Muslim world, for example, in India, as inside, this was on the basis of opposition to western hegemony. But this was a form of, secular, third world solidarity, not a response to religious, or necessarily Arab nationalist, sentiment. Most significantly, of course, these appeals to *umma* did not prevail over the peoples most affected by the war, those of Kuwait and Iraq. In Kuwait, in contrast to almost all other modern occupations, no collaborator puppet regime

could be established, as there was simply no support for the Iraqi move. As for the people of Iraq, who had, despite the appeals of Khomeini from 1980 to 1988, remained loyal to the Ba'hist state, once the war over Kuwait was over they rose up in a country-wide insurrection whose suppression is believed to have cost more lives than the war over Kuwait itself.⁴

The use by Arab states and nationalists of the concept of *umma* and of related appeals to solidarity demonstrates the continued use to which such concepts can be put in the context of modern politics [Kodmani-Darwish and Chartouny-Dubarry, 1997]. What has happened since 1991 continues to demonstrate the effectivity of such categories: the impact of sanctions on Iraq has been used by Islamists as another case of western hostility to the Muslim world, and was to become one of the major themes used by al-Qa'ida in its rhetoric. Iraqi rhetoric used at least three themes within the broader substratum of *umma* that were later to be picked up by al-Qa'ida: first, the claim that the community is based on a shared virtue, contrasting with the corruption of those who claim to rule or belong to it; secondly, as in Saddam Hussein's statement of 27 February 1991, the link between *umma* and duty, *fardh*; thirdly, the relating of this community and duty to a modern, pan-Arab and pan-Islamic, concept of *jihâd*. All of this was, of course, proclaimed by an Iraqi leadership without any theological, or clerical, authority in a context of modern inter-state and nationalist politics. This context formed the rhetoric and the choice of symbols deployed, but it also, in 1991 as in 2001, limited their appeal and were shaped to the immediate and intermediate, if not final, outcomes.

(iii)

The Iranian Revolution

A very different, but in several ways convergent, chapter in the history of Islamic transnationalism was written in the case of the Iranian revolution: both in the process of the revolutionary upheaval itself (1978–79) and in the subsequent foreign policy of the Islamic Republic, a clear tension between nationalist themes and appeals to a broader *umma* was evident. The Iranian revolutionaries saw themselves as part of a broader uprising of the oppressed against western domination and against what western domination had produced, the weakness and division of the Islamic world. They justified much of what they did in terms of appeals to the *umma*. Yet, at the same time, like all revolutionaries, they were engaged in building a state and in protecting, and promoting, the interests of that state in an international context.

Three aspects of the Iranian relation to the *umma* are particularly relevant here.⁵ The first is the understanding by Ayatollah Khomeini himself of the relation of Islamic revolution to the *umma*. Khomeini's starting point was a conventional modernist rendering of *umma*: the Islamic world was one; it had been divided by external, imperial, domination. Nations, ethnic groups and fragmented states were the result of imperialism. Islam was one, and all Muslims

should be part of a single state. ‘Muslims must become a single hand. They must become a united hand, remain united, become one; they must not think themselves separate from us’ (*BBC Summary of World Broadcasts*, 1979). Even after Khomeini came to power, he continued to espouse a form of Islamic internationalism: the constitution of the Islamic Republic of Iran proclaimed solidarity with all Muslims, and in the war with Iraq (1980–88), Khomeini continued to appeal to the Muslims of that country to rise up. The continuation of the war with Iraq was justified, in part, in religious terms, as a battle to liberate Islamic holy places, first, the Shi‘ite shrines of Karbala and Najaf in Iraq, and then, Jerusalem [Gieling, 1988]. The rhetoric of mobilization and of denunciation of the Iraqi leadership was replete with religious symbolism: thus the Iranian fighters were waging *jihād*, and seeking sacrifice in the spirit of the Shi‘ite martyr, Hussein, while the Iraqis were enemies of Islam, and descendants of the seventh-century Sunni tyrant, Yazid.

Yet, all of this transnational rhetoric was from the start interlaced with statist and nationalist themes, and, once state power was attained, in February 1979, this context became even more important. First, Khomeini, while using an Islamic idiom, was also shaped by Iranian nationalism: much as he denounced the secular nationalists, of Mosaddeq’s National Front, this was, as much as anything, because they had failed to stand up to western domination. Khomeini was a man shaped by the history of his country as he had lived through it, not least occupation in both world wars, and the imposition of American influence after the coup of 1953 that drove Mosaddeq from power. His language is full of nationalist appeals, for independence, and against foreign domination. Before and even more so after the Iraqi invasion of September 1980, he appealed to the patriotic feelings of Iranians, albeit in Islamic terms invoking *kishvar-i aziz-i islami*, the dear Muslim country, as well as to the fatherland or *mihan*. He also believed in Iran as a ‘Great Nation’, *mellat-i bozorg*, something the leadership in Tehran was to make much of in the late 1990s. Secondly, if Khomeini believed in the unity of all Muslims, he also believed in something else that was in conflict with this, namely the building of a strong state: his most influential work, *Islamic Government (hokumat-i islami)* was a programme for the implementation of Islamic politics and society. By extension, once power was achieved, this became a doctrine of how to consolidate and defend state power. This concern to promote the state, in line with the statism of other Islamists, was to find its fullest expression in his theory of *maslahat*, or state interest, enunciated a few months before his death [Zubaida, 1991; Halliday, 2000].

Thirdly, while Khomeini was a pan-Islamist, he was also a Shi‘ite Muslim. The issue of Sunni–Shi‘ite relations allows of no easy analysis [Buchta, 1997]. It is mistaken to see the Islamic world as fundamentally riven by theological or customary differences between the two. There has, however, grown up a set of differences, in law, custom and prayer, over centuries which, overlain by modern nationalism and inter-state competition, provides a substratum that can be used to promote difference. This is what occurred. Khomeini, like al-Afghani and the

Muslim Brotherhood before him, believed in bridging the gap between Sunni and Shi'ite schools of jurisprudence, and, more generally, between their two culturally distinct worlds. But, in effect, the Iranian revolution was a Shi'ite revolution and the symbolism Khomeini deployed was of a clear, confessional if not sectarian, character. The course of politics in Iran after the revolution, in which the 20 per cent Sunni population (Kurds, Arabs, some Azeris) clashed with the Shi'ite majority, and the outbreak of the war with Iraq in September 1980, compounded this. So too did the later course of events in Afghanistan where a pro-Iranian *mujahidin* Islamic Republic, in power from 1992 to 1996, was replaced by a militantly anti-Shi'ite and Sunni fundamentalist Taliban regime from 1996 to 2001. Both the Iran–Iraq war of the 1980s and the Afghan conflict of the 1990s resonated in the Arab world in a Sunni–Shi'ite register and served further to limit the appeal of the Iranian revolution to the *umma* as a whole. All of this followed a modernist logic, one in which a range of contemporary themes, associated with nationalism, state-building and revolution were fused with a textual invocation of Islamic tradition. Equally, as was the case throughout the Islamic world, the terms used were not only interchangeable in meaning, but in the vocabulary itself: Khomeini used the term *millat*, nation, to refer both to Iran and to all Muslims, and the word, *vatan*, normally applied only to specific states was applied by him to the Muslim world as a whole in the phrase, *vatan-i islam*, Homeland of Islam.

The record of the Iranian revolution reproduced, therefore, that of earlier phases of Islamic internationalism: the pre-modern legacy of *umma*, of community, state and normative constitution was restated, and a considerable following for the Iranian revolution was promoted in the Muslim world. Yet the limits of this internationalism were also clear: Khomeini and his associates once they had attained state power were committed to enhancing it, through consolidation at home and war abroad; the very meaning of the revolution was seen in the Sunni world as a confessional, when not sectarian, one; as time passed the revolution came more and more to be associated with a state and a nation, Khomeini's 'Great Nation', rather than with the cause of all Muslims [Buchta, 1997].

(iv)

Sunni Fundamentalism: al-Qa'ida

Of equal importance, however, not least in the light of the events of 11 September 2001, is the use of pan-Islamism by Sunni fundamentalists, not least because Sunnis comprise about 90 per cent of the over one billion Muslims in the world. All of the themes identified in the earlier cases of pan-Islamism were to be revived, and lived in dramatic form, in this fourth example of contemporary pan-Islamic politics [Dalacoura, 2001]. In several key respects, al-Qa'ida represented the most cogent example yet seen of the transnational politics of the *umma*. Yet its origins, development and subsequent encounter with the

international system also showed the limits of this politics, as much in relation to the broader Muslim world as to the inter-state system. Here, too, a rhetoric of transnational solidarity and revival exerted considerable appeal, but it also collided with differences of outlook within Islamic countries and with the structure of power that it sought, by certain cruel and theatrical terrorist shortcuts, to challenge.

In modern politics, a line can be traced from the 1920s, and the establishment of the Muslim Brotherhood through to al-Qa'ida in the 1990s. The Muslim Brotherhood proclaimed the unity of all Muslims, and of the *umma*, and established branches in different countries, which survive to this day (one of the most recently established being the Movement of Islamic Resistance, *haraka al-muqawama al-islamiya*, or HAMAS, in 1987, in Palestine). Yet the MB remained in large measure a federation of separate organizations, and its commitment to the political unification of the *umma* was always qualified [Abdelnasser, 1994]. Its founder, Hassan al-Banna, supported both local, Egyptian, and pan-Arab patriotism. This was very much not a coherent transnational organization, a Muslim variant of the Comintern which was run with iron centralist discipline from Moscow. Much more than the communist movement, it was decentralized in organization, even if united by common themes, a hatred of secularism and opposition to Israel and the west. The MB had no guiding central committee or geographic headquarters. It was also limited by the state system within which it operated: Saudi Arabia, which had initially allowed the MB to have an office in Mecca, turned against it, and other Arab states, notably Egypt, its country of origin, sought to repress it. Of equal significance for its claim to represent and mobilize the *umma*, that is all Muslims, the MB was active in only some Arab states, and only to a limited extent outside the Arab world.

The themes of Islamic unity were revived in the 1950s with the establishment in Jordan in 1953 of the Party of Liberation, *Hizb al-Tahrir*, HT [Taji-Farouki, 1996]. Its founder Taqi al-Din al-Nabhani did call for the political unification of the *umma* and for the re-establishment of an Islamic polity, under the *khilafa*: the success of this call for the restoration of the Caliphate in recent times, not least among young Muslims in the west, owes much to this grouping. HT was not an organizational part of the al-Qa'ida network, but its ideology was influential on it, and in the 1990s, under the Taliban regime, HT established itself in Afghanistan with a programme of active promotion of Islamist politics in Central Asia. While it was careful to stress its differences with Wahhabism, of the Saudi variety, it shared the latter's view of Islamic revival and of an Islamic polity, though not, of course, Wahhabism's acceptance of the Saudi family as the rulers of such a state [Rashid, 2002].

The overall view of the al-Qa'ida leadership, and particularly of its chief, Usama bin Muhammad bin Laden, was shaped by two thinkers: the Egyptian fundamentalist Sayyid Qutb, and the Palestinian Abdullah Azzam. The key text of Qutb was his *Ma'alim fi al tariq* (*Signposts on the Road*): this conceptualized the

kind of militant organization needed to wage *jihâd*. Qutb not only rejected the west, and any engagement with it, but it also included contemporary Arab rulers within the concept of *jahiliya*. In what may have prefigured the apocalyptic tone of al-Qa'ida, Qutb denied the need for proposing any model of the alternative society, propounding instead a generic vision, or dream, of breaking reality, a process out of which something constructive, guided by divine will, would emerge [Ayubi, 1991:134–42]. For his part, Azzam believed, like the others, in restoring the Caliphate, and from 1980 until his death in a car bomb in Pakistan in 1987 campaigned for this. He believed that *jihâd* was a *fardh*, a collective obligation of all Muslims: his motto was 'Jihad and the rifle alone: no negotiations, no conferences and no dialogues'. One of his publications of the 1980s was entitled 'Defending Muslim Territory is the Most Important Duty'. This duty will not end with victory in Afghanistan: *jihâd* will remain an individual obligation until all other lands that were Muslim are returned to us so that Islam will reign again: before us lie Palestine, Bokhara, Lebanon, Chad, Eritrea, Somalia, the Philippines, Burma, Southern Yemen, Tashkent and Andalucia' [Bergen, 2001:57–8]. The core elements of the al-Qa'ida programme, therefore, were present in the ideas of these two inspirational guides.

The emergence of al-Qa'ida can be understood in terms of three contexts. One is that of the ideological commitment to militant transnationalism. As already noted, this runs through much of Arab Sunni fundamentalism in modern times: never the dominant strand, it nevertheless provided a set of themes, and a vision, that was available when conditions favoured the emergence of a militant armed group. The formation of al-Qa'ida, however, involved the combining, if not fusing, of this Arab Sunni fundamentalism with other trends in the Islamic world. In schematic form, it can be said that the transnationalism of the 1990s brought together three different, hitherto distinct but not necessarily rivalrous, Sunni fundamentalisms: the Muslim Brotherhood, Saudi Arabian Wahhabism and the conservative South Asian strand known as Deobandism. This last is influential amongst clerical groups in Pakistan and an important influence on the Taliban [Rashid, 2000; Griffin, 2001].

The second formative context for al-Qa'ida was that of the crisis of the main rival, hitherto predominant, to Sunni fundamentalism, namely the secular modern state, be it that of radical nationalism, as in Egypt, Palestine or Algeria, or that of conservative monarchy, Jordan, Morocco (and by analogy pre-1979 Iran). The perceived failure of secular nationalism, in power or in opposition, to create viable and equitable states, to develop economies, or to confront the enemies of the Islamic world, and not least, to liberate Palestine, provided, in the 1980s and 1990s, the context for the re-assertion of fundamentalism [Roy, 1994]. In the case of al-Qa'ida, this was particularly so because of its claim to have carried out the one successful campaign against a non-Muslim power in modern times, the defeat of the USSR in Afghanistan, a marked contrast to Palestine. The third context was that of the cold war and its aftermath. The mobilization of support

for the guerrilla *mujahidin* in Afghanistan during the 1980s received the support of many Muslim states, Pakistan, Saudi Arabia and Egypt in particular, and of the west [Cooley, 1999]. It drew on volunteers, money, and ideological backing, as well as arms from many countries: it was here that the transnational organization, recruitment and appeal were created. From 1984, the *maktab al-khidmat*, or Services Office, in Peshawar, a precursor of al-qa'ida, was processing and organising recruits for the war in Afghanistan [Bergen, 2001].

Al-Qa'ida itself was formed some time in the late 1980s. The turning point in its ideological development, through the end of cold war and its aftermath, was the Iraqi invasion of Kuwait in 1990. Strongly opposed to the secular nationalist regime of the Arab Ba'th Socialist Party, al-Qa'ida also rejected western support in the battle to expel Iraq from Kuwait. It was this event which set the organization off on the campaign of anti-western military actions that began in 1993. Of equal importance, however, was the opening then provided by events in Afghanistan: in alliance with other constituents of the World Front for Killing Jews and Crusaders, it benefited, crucially, from its alliance with the Taliban government that had come to power in Afghanistan in 1996 and from the indulgence, when not support, of influential elements within the Pakistani military and intelligence services. Ideology, political crisis and international context all, therefore, combined to form this transnational armed group [Cooley, 1999].

Al-Qa'ida was a transnational organization in several evident respects. First of all, to a degree never seen before, and far more than the Muslim Brotherhood, it recruited its followers from a range of countries, within the Arab world, South Asia, Chechenya, South-East Asia and beyond, including some, unrepresentative but emblematic, western associates. It brought together an armed force of several thousand members, and was reputed to have trained up to 70,000 recruits in its Afghan camps during the 1990s: this figure may be exaggerated, but the extent of its appeal and organization were certainly substantial. Secondly, al-Qa'ida was organized transnationally, with units based in many countries, some overtly engaged in fighting, some providing logistical and financial support: its financial network alone spread across the world. Most evidently, the rhetoric of this group was transnational, appealing to all Muslims to rise up and fight their enemies, and linking the struggles of different Muslim peoples, particularly those of Palestine, Iraq and Kashmir in a common cause. Such was the impact of the events of September 11, and of the appeals to the *umma* broadcast by al-Qa'ida in the months that followed, that it appeared to many as if, for the first time, a truly pan-Islamic politics, of organization, struggle and mobilization, had arrived.

There is no doubt that the appeals of this organization, before and after 11 September 2001, did strike a chord among many Muslims, including those in western European states and elsewhere. The organization itself has, in some form, survived the US counter-attack and its eviction from Afghanistan. In years, or decades, to come, successor organizations the Provisional/Authentic/People's or whatever al-Qa'ida may also emerge, seeking to replicate the spectacular attacks

of September 2001. Yet, a closer examination of this phenomenon suggests a somewhat different, more cautious, and statist, analysis. First, for all its appearance of being a free-floating, deracinated, military force, al-Qa'ida had, and needed to have, a base in a particular territory and the support of a particular state. In the 1980s, the support of states came from Pakistan and Saudi Arabia and, indirectly at least, from the USA. With the shift to a more anti-American position in 1991, the organization moved first to Sudan, from 1991 to 1996 and then to Afghanistan: what gave al-Qa'ida a new lease of life was the change of government in Afghanistan, whereby the Taliban came to power, in 1996. What followed thereafter was an alliance, one in which al-Qa'ida had an increasingly influential role, between the local state elite, and this external force: the latter provided the Taliban with advice, money and strategy. Behind the Taliban, and closely linked to al-Qa'ida till September 2001, was the Pakistani state, and in particular its intelligence services, ISI.

Secondly, while al-Qa'ida presented itself as being a truly transnational force, an army of *jihâdis* from all over the Muslim world, it was in effect an Arab, more precisely Saudi-Egyptian, organization, with followers but not leaders from a range of other countries. The Yemenis, Chechens, Algerians and others who were the foot-soldiers of the organization had, it would appear, no say in its leadership. Thirdly, the rhetoric and ideology of al-Qa'ida were much more contextual, and limited, than broad invocations of Islamic history and of the *umma* might suggest: on the one hand, the terms and images used were, just as much as with Saddam Hussein, an eclectic mixture, with no theological or conceptual coherence to them; the cupboard of Islamic and Arab themes was ransacked for whatever was there, from the Prophet to heroes on horses, dreams and *munafiqin* and much else besides. Secondly, little noticed in the west, but very evident to Muslims, was a Sunni, anti-Shi'ite, subtext in the organization's rhetoric: not only were the Arabs in Afghanistan known to have played a particularly brutal role in suppressing the Shi'ite minority there, but their programme, of restoring the Caliphate and proclaiming the supremacy of tradition, Sunna, was one that Shi'ites saw, rightly, as inimical to them. This hostility to Shi'ites was a reflection of the strong influence of Saudi Wahhabism within the al-Qa'ida movement.

Events after September 2001 were in considerable measure to confirm this context, one in which differences of sentiment, and of interest, lay beneath the transnational claims of *umma*. First of all, as with the Iraqi invasion of Kuwait in 1990–91, many Muslim states chose to oppose the actions of the Taliban and its associates and to ally with the US/UK counterattack. This went not only for Iran, Central Asian states and many Arabs, but for Pakistan as well. Secondly, even in those states where there was sympathy for al-Qa'ida, most notably Pakistan, there was, in the weeks following the outbreak of the war in Afghanistan on 7 October, no major popular or insurrectionary protest: those in power in the local states held to it, for the time being at least. In Afghanistan itself, however, a more dramatic illustration of the limits of Islamic solidarity became evident: far

from rallying to the foreign *mujahidin* in their midst, many Afghans supported the destruction of al-Qa'ida and in many cases turned with a vengeance on their foreign supporters. Reports from the country after the fall of the Taliban indicated the existence of a strong, nationalist, Afghan resentment at the Arab and Pakistani influence in their country. This was not, for sure, the end of the story, in Afghanistan or in the rest of the Muslim world, but it did suggest significant, statist and nationalist, constraints on the appeal to a transnational *umma*.

Conclusion: Transnationalism and Its Limits

The preceding analysis touches on a wide range of questions pertaining to transnationalism, civil society and the politics and ideology of the Islamic world, three of which in particular may be summarized here. First, in regard to theories of nationalism and ideology, this study has made a modernist case. Modern political movements have an instrumental relation to the substratum and use whatever is available for contemporary purposes. Their modernism is also evident in the combination of these themes with contemporary politics and ideas. The relation between classical themes, of culture and text and contemporary politics, is an open, contingent, one: if there is a dependent variable, it is may be the cultural inheritance.

Secondly, there are lessons for the discussion of globalization and of transnationalism: as was already evident, in regard to criminal, authoritarian religious and racist groups, and was most dramatically evident after 11 September 2001, transnationalism, of appeal, organisation and action, has no necessary relation to liberal causes, or to the promotion of what has been termed 'global civil society'. Transnationalism allows of, and in certain ways, promotes global civil society, but it also provides opportunities for those with illiberal, authoritarian, racist and criminal, agendas to operate more freely as well, be it in countries of the Middle East or in the west. Nor can that liberal transnational and cosmopolitan space be divorced from, or contrasted with, a world based on the most classical of realist, and statist, concerns, security: that space requires security, from international military strategy to mechanisms of domestic surveillance, to survive.

Thirdly, the case of this Islamic transnationalism casts light on a subject that underlies much discussion of international progress, and internationalism, but is too often assumed, rather than made explicit, by it, namely that of the preconditions for such ideologies to arise and have effect: in other words, a political sociology of internationalism. Ideas on their own cannot, and do not, transcend differences of state but can flourish, and decline, in identifiable contexts [Colás, 2001; Halliday, 1999]. Proponents of internationalist ideas, secular and religious, revolutionary and liberal, tend to avoid explicit discussion of this question by assuming that, somehow or other, historical trends, or social change, or that most recurrent of all determinist explanations, the will of God,

will carry them forward. Opponents, classically E.H.Carr, offer an alternative sociology, namely that the separate interests of states and peoples make such internationalism impossible and that, where it occurs, it is but the disguised self-interest of its proponents [Carr, 2001]. The study of cases of internationalist and transnational movements suggests we can go somewhat further than this: internationalist ideas are more common, and have greater impact, in some phases of history rather than others, yet even then they are necessarily constrained, and used and abused, by the interests of separate states.

So far, the conclusions drawn have been contributions to wider debates, within the study of nationalism and religious movements, and within International Relations, to which the case of the umma may be relevant. There is, however, one other conclusion which this case may lead to, whereby the insights of International Relations itself may be relevant to the study of ideology, not least with regard to relations between cultures and religious communities. Discussion of IR in the 1990s has, to a considerable, rather excessive, degree been dominated by cultural and ideational approaches which allot primacy to ideas, perceptions, and cultures. This has found a parallel in the thesis of Samuel Huntington, on a 'clash of civilizations'. All of this has, in turn, reinforced the arguments of those who analyse international relations, and those between Muslim countries and the west, in terms of cultural confrontation.

An alternative argument none the less is possible, one that can act as a corrective, historical and contemporary, to such ideational approaches: here the argument would shift from broad, often rather airy, invocations of culture, identity, atavistic substrata and the like, to a discussion of something more concrete, namely states and popular movements. Moreover, if we examine either the past history of relations between states, European and Middle Eastern, or associated but substantive entities, like economies, cuisines, science, language, and indeed genetic composition, we will find that there has been much more interaction between them, and diversity within, than any simplistic cultural map would suggest. In neither case can culture nor 'Islam', be an explanatory factor. In the contemporary context, this approach would give due weight to transnational solidarity and the realm of the discursive *umma*, not least because such solidarity and discourse can mobilize and can kill. Any such recognition could, and should, however, be matched by an awareness of the separate and often diverse interests of those who profess transnational community and of the actors, not least states and their opponents, that define, select and reproduce ideology [Halliday, 2002].

NOTES

1. Modern Arabic for the United Nations is *al-ummum al-muttahida*, that is, in this case, an entirely secular, political, usage of the term.

2. For a particularly interesting, and detailed, study of one peripheral nationalist rise of Islam that took a limited territorial form, that of the Volga-Ural Muslims under Czarism, see Noack [2000].
3. The impact *and* limits of Al-Afghani's ideas are well captured in the careful phrasing of the first paragraph of Browne's *The Persian Revolution*: 'In the summer of 1902, I was requested to deliver a lecture on Pan-Islamism to the University Extensionists who were then visiting Cambridge. In that lecture I expressed some doubts as to the existence of Pan-Islamism, which I defined, somewhat flippantly perhaps, in the words of a Muhammadan friend, as "a mare's nest discovered by the Vienna correspondent of the *Times*". I still think the term open to objection, since Pan-Islamism is generally understood in the West as connoting a certain quality of "fanaticism", and it is certainly no more fanatical than Pan-Germanism, or PanSlavism, or British Imperialism, and, indeed, much less so, being, in the first place, defensive, and, in the second, based on the more rational ground of a common faith, not on the less rational ground of a common race. But without doubt recent events have done much to create amongst the Muslim nations a sense of brotherhood and community of interests. Just as the activity of Trade Unions led to the formation of Masters' Unions, so the threatened spoliation of the few remaining independent Muhammadan States (Turkey, Persia and Morocco) by European Powers, acting singly or in conjunction, has awakened these states to a sense of their common dangers, and is gradually but inevitably leading them towards a certain solidarity. In this sense we may, if we choose, speak of a Pan-Islamic movement' [1966:1].
4. The statist, as opposed to pan-Arab or communitarian, implications of the appeal to Arab unity were to be demonstrated once again in the 1990s in the case of the one 'successful' case of unification of two Arab states, that of North and South Yemen in 1990. While greeted with much popular acclaim when it was announced, and presented by the rulers of both Yemens as a step on the path of broader Arab unity, this in the end involved a takeover of one state by the other, in this case of the South (two million) by the North (ten million). A transitional period, of negotiated power-sharing that began in 1990, was followed by growing distrust and low-level violence: in April 1994, the President of the North, Ali Abdullah Salih, launched an all-out, conventional, military assault on the South, routed his opponents, and conquered the South by force. This was as much a takeover as was the unification of East with West Germany, and as will, in all likelihood, be the unification of South with North Korea. (On the course of Yemeni 'unity' and the uses of Arabic terminology see Halliday [1990, 1995].) The North used, in addition to regular forces, an irregular Islamist militia including 'Arab Afghans' and associates of al-Qa'ida.
5. I have gone into these issues in greater detail in Halliday [1986, 1999].

3

Sunni and Shi‘i Networking in the Middle East

ANNABELLE BÖTTCHER

An Islamic clerical network is a structure of interconnected Muslims. Each one has at least one link with another Muslim and all are directly or indirectly connected to the network leader, a Muslim cleric. All Islamic clerical networks have pyramidal shape. The size, structure and stability of an Islamic clerical network depend on the interaction of internal and external factors. Internal factors relate to the network itself, like the personality and charisma of the network leader, his or her management capabilities, integration of followers and the nature of links between the network leader and his followers. To these are added the external factors resulting from the geographic, political, economic and social framework of a host state. Whether or not an Islamic network supports or opposes the dominant political force in a host state determines its size, structure and stability. The presence of other competing or co-operating networks influences these relations as well.

This contribution analyses the interplay of internal and external factors and their influence on Islamic networking. It determines why some of them stay within the boundaries of one particular state, while others pass national boundaries and become transnational or even global networks.¹

Network Related Factors

All of the Islamic clerical networks have well trained religious authorities as network leaders. Their main objective is to provide access to Islamic knowledge by teaching Islam to Muslims and non-Muslims. They also provide social and emotional support. This automatically entails their political involvement on a local, regional and national level. The interaction with the host state(s) and the influence of external factors might change the priorities and a given Islamic clerical network might become politically more involved or even radical.

Network Leadership

Qualification of a network leader: Most Islamic, Sunni and Shi‘i, clerical networks have a hierarchical structure of pyramidal shape with a male cleric at the top. A network leader’s position is based on his claim to have exoteric and/or

esoteric knowledge of Islam superior to any other member in the network. This knowledge is based on many years of Islamic studies either informally with shaykhs and shaykhas in private houses or mosques or formally in institutions of Islamic law recognized in the Islamic world, like the faculties of (Sunni) shari'a law and the seminaries of (Shi'ī) shari'a law, the *hawzât* (sing *hawzâ*).² A network leader's authority relies on the transmission of Islamic knowledge and his ability to attract a large following. His main duty is to interpret the precepts of shari'a law for the network members by telling them how to apply Islam in daily life. Thus Islamic network leaders mediate between orthodoxy and orthopraxy. Their majority belongs to the '*ulamâ* (sing '*âlim*, one who is learned in religious sciences). The differences between Sunni and Shi'ī conceptions of political and religious authority seem to have influenced network structures inasmuch as the charismatic authority of Shi'ī network leaders is linked to their position in the official Shi'ī religious hierarchy.³ In recent Shi'ī history religious power merged with political power.⁴ The same applies to Sunni non-Sufi network leaders. For leaders of Sufi network the assessment of their esoteric knowledge is difficult because it cannot be measured and often they are not integrated into the official clerical hierarchy of a nation.

Grand Ayatollah (ayatullâh al-uzmâ) Muhammad Husayn Fadlallâh is the leader of a global Shi'ī network. He is based in Beirut with many branches all over the world. As a *marja' al-taqlid*,⁵ he has reached the highest level of the Shi'ī religious hierarchy. He started to study at an early age with his father and other members of his family and, later, he joined a *hawzâ* in Najaf, one of the holy shrine cities in Iraq, where he studied for 22 years with eminent clerics as Muhammad Bâqir al-Sadr and Sayyid Abû al-Qâsim al-Khû'î. After finishing his studies, he reached the level of a *mujtahid*.⁶ With his teacher's authorization, the *ijaza*, he returned to Lebanon where he continued to study, publish and teach in order to advance in the religious Shi'ī hierarchy.⁷ He emerged as a *marja' al-taqlid* after decades of thorough studies. His *risâla âmiliyya*, a compilation of fatwas, gives evidence of his qualification as a *marja'*.⁸ It is written by him, while many of his other books are written by his students who take notes during the lessons and, later, edit them.⁹ Throughout his career, his written and oral statements, his piety and his justice have been subjected to constant critical examinations by the community of mujtahids and *marja's* who jealously defend their own turfs.¹⁰

A *marja's* reputation comes with the rising number of those *muqallids*¹¹ emulating him in his legal rulings, that is the acclamation of community of Shi'ī believers. These are subjective ideals open to arbitrary interpretation of each *muqallid* or *muqallida*.¹² This link of loyalty between the *muqallid* and the *marja'* is the basic unit of a network. Not every Shi'ī feels obliged to follow a *marja'* but the size and wealth of existing *marja'* -networks indicate that a rising number of Shi'īs are willing to do so.

Among his followers, Muhammad Husayn Fadlallâh is called the Sayyid (*al-sayyid*) referring to his descent from the Prophet. The black colour of his turban

is a visible sign of his noble descent and adds to his authority even though any respected mujtahid from an ordinary family might become a *marja' al-taqlid*. The leader of a Shi'i network does not necessarily have to be a *mujtahid* or a *marja'* as the case of Sayyid Hasan Nasrallâh, the leader of the Lebanese resistance movement, Hizballah, shows. He is a political and military leader. In religious matters, he has to refer himself and his followers to a *marja'* which limits his authority considerably.

Leadership among Sufis: A Sufi shaykh does not need to have a solid knowledge of exoteric knowledge, *'ilm*. He could even be illiterate, as long as he can convince his followers of having esoteric knowledge, *ma'rifa*. Transmission of *ma'rifa* is done in conventional ways through private teaching from a shaykh or shaykha.¹³ It also can be transmitted in a dream or in a vision from a living or dead shaykh or shaykha. This means that control of the access to knowledge is difficult. Studies are not institutionalized and there is no institutional instance monitoring their length and contents. Authorizations from a teacher, the *ijâzât*, exist and give proof of the teaching competence, but they might be issued after a day of studying or after ten years. An essential element for a network leader's authority is his position in a chain of Sufi shaykhs, the *silsila*, through which secret knowledge is handed down from the Prophet Muhammad. The *silsila* is the genealogy of leaders of a given Sufi network.

A Sufi leader without followers would not be a leader of a network, therefore, the size of his network depends on his ability to attract and keep followers. His charisma is intimately linked to his 'supernatural powers' manifested through miracles, the *karamât*. Spiritual healing, seeing the future, making rain and so on makes a Sufi shaykh attractive for his followers, his *murîds*. Since Sufis feel that orthodox Islam does not generally accept their adherence to a Sufi network, certain aspects of a Sufi shaykh's charismatic appeal are hidden to outsiders. *Karamât* are among them. Some Sufi traditions put more emphasis on formal training in Islamic sciences than others.

Sufi shaykhs and shaykhas of the Naqshbandi-tradition usually have solid knowledge of exoteric knowledge (*'ilm*) including shari'a and sunni jurisprudence (*fiqh*). The background of a network leader depends on the general educational level of the network members and the network environment. In urban settings, the demand for formal education in Islamic sciences is higher than in a rural area. In the Syrian capital, Damascus, where the number of shaykhs and shaykhas belonging to the Sunni clerical establishment is much higher than in Berlin, for example, a shaykh's knowledge in Islamic sciences, his piety and his good conduct will be under constant scrutiny. Leaders of transnational Sufi networks also tend to have a formal education in Islamic jurisprudence. Some of them even have a degree in another subject which is not related to Islam, like the head of an international Sufi network, Shaykh Nazim al-Qubrusi al-Haqqani who studied engineering at the University of Istanbul and Sufism with shaykhs in Turkey and Syria.

Few independent networks are headed by a shaykha, a female leader, because men monopolize the access to religious knowledge. To be accepted at a higher level in the hierarchy of an Islamic network, a woman has to prove her knowledge of Islamic esoteric and exoteric knowledge which she cannot attain if male-dominated interpretations forbid her to enter institutions of advanced studies. In Sufism, it is more difficult to control access to knowledge since pious females can receive knowledge through dreams or visions or simply through religious experience. In non-Sufi and Shi'ī Islam with an emphasis on formal studies in Islamic sciences, access to these studies is under the control of the conservative *'ulamâ*. It is very difficult for females to enter and advance. But even if they can study and prove their expertise, they will be barred from access to the upper levels of the Islamic clerical hierarchy.

When female clerical leaders head networks, they are sub-networks integrated in a larger male network with a male leader. They do not have an independent feminine genealogy, a feminine *silsila*. Female subnetwork leaders have kinship ties with the male network leader. They are either his mother, wife, sister or daughter. While male heads of Islamic networks use the shaykh title without any hesitation, female leaders do not like to be called shaykhas. They refer to themselves as *ânisa* (Miss, also title for teacher), *hajja* (female having performed the pilgrimage to Mecca), *'ârifa* (knower) or *'âlima* (learned). However, the 'visible' male network hierarchy might not correspond to the 'invisible' real power relations within a given network. Female members of such networks might exert considerable influence on decision-making processes on the top level of the Islamic network, pyramid through male family members. Decision-making in matters relating to marriage is dominated by female members of a network, a crucial matter for the stability and expansion of the network structure.

Mobility of a network leader: The growth of an Islamic network depends on the network leader's mobility, his ability to make connections, his charisma and his management skills. Few Islamic networks wish to maintain their *status quo* and refuse to expand. The mobility of a network leader contributes to the growth of his network. Many shaykhs travel extensively before and after they take over the leadership position. Those who do not travel have network members and sympathizers travel for them and to them.

Shaykh Ahmad Kaftârû¹⁴ of the Syrian Sufi network of the Naqhsbandiyya-Kaftâriyya¹⁵ never left Damascus for a longer period. He studied there and later, once he took over the leadership from his father, Shaykh Amîn, he went on short official trips as the Grand Mufti of Syria. But he has thousands of foreign visitors and guests visiting the headquarters of his network in Damascus, the Abû 'l-Nûr Islamic Center (ANIC), each year. Foreign students study at the center's schools, universities and training courses. Male and female members of the network go abroad to train disciples and work as missionaries.¹⁶ Shaykh Ahmad Kaftârû's lack of mobility is exceptional. The majority of shaykhs have to travel abroad to take care of business matters of these branches abroad and to renew ties of loyalty with their disciples.

By way of contrast, in his youth, Ayatollah Fadlallâh regularly traveled from Najaf in Iraq to Lebanon, his country of origin. In 1966, he moved back to Lebanon. Lately, he established an institutionalized branch of his network in Syria, where he spends three days weekly in his house in Sayyida Zaynab near Damascus to teach at this seminary, the Hawza Murtadâ. Under the new Syrian president, Bashar al-Asad, he is invited to travel all over Syria to give talks.¹⁷

Shaykh Ahmad Yashruti, the leader of the Palestinian Shâdhiliyya-Yashrutiyya¹⁸ Sufi network, leaves his headquarters in Amman, in Jordan, by car twice a month to visit his branches in Syria and Lebanon. Recently, his designated successor and son, Shaykh ‘Alî, started to accompany him. They stay several days in Beirut to manage their new Sufi centres in Khalde in southern Beirut (inaugurated in 1998) and another one in the Bekaa plane (inaugurated in 1999).¹⁹ The founder of the Yashrutiyya, Shaykh ‘Ali b. Ahmad al-Maghribî al-Yashrutî, after many years of traveling very successfully expanded from a local Sufi network to a regional one throughout the Middle East. He was born in 1793 in Binzerte in northern Tunisia. In 1814, after extensive travels, he settled in Acre in northern Palestine, where he succeeded in marrying a third wife from a wealthy family and to attract the urban elite of Acre, Beirut, Damascus, Aleppo, Homs, etc.²⁰ In 1948, the Yashruti family and many of its disciples fled from Acre to Lebanon and in 1980 during the Lebanese civil war they had to emigrate again to Amman.²¹

Network Members

Islamic networks are composed of network members who are linked with each. The links are characterized by agreements about the intensity, the asymmetry and reciprocity of the relationship.²² Ideally, each network member should at some point of his membership establish a link with the network leader, which is an asymmetric link based on authority. Membership in any network is always in some ways an agreement about the conditions of reciprocity. Individuals only adhere if they get something in return, like emotional support, a sense of belongingness, financial favours, economic and political aid.²³

Developments in Shi‘i jurisprudence and the development of the *marja‘iyya* have greatly favoured the growth of Shi‘i clerical networks. The *marja‘iyya* developed in the early nineteenth century. According to this theory, each ordinary Shi‘i has to choose a source of imitation, a *marja‘* and imitate him as a *muqallid* or a *muqallida*. The majority of *muqallids* make a rational choice. Their judgement is usually based on reading the publications of a *marja‘*, especially his *risâla ‘âmiliyya*. The personal liking and family traditions do play a role in this decision making process. Following a dead *marja‘* is possible, but it is more widespread to follow a living *marja‘*. The decision to be the *muqallid* or *muqallida* of a given *marja‘* is, at the same time, a decision to support his network because the *muqallid/a* has to make financial contributions.²⁴

While in the early nineteenth century, the Twelver Shi'i community agreed upon one *marja'* as the *marja' al-taqlîd*, in modern times, several have claimed the highest position in the religious hierarchy. From a network perspective, the *marja' iyya* is a religious conceptual framework for network structures, which later split into several *marja'*-networks and weakened the whole structure. The competition among such networks represents a serious obstacle to the expansionist ambitions of one single network, as the claim of Ayatollah Khamenei in Iran illustrates.²⁵ There seems to be a growing trend among Shi'is to choose a *marja'* and become part of a *marja'*-network.

A follower of a Sufi shaykh is usually called a *murîd* or *murîda* or a *muhibb* or *muhibba*. They are either born into a Sufi family and thus into a given Sufi network or they decide to join one at a later stage of the life. A non-Sufi Muslim gets in contact with Sufism through neighbours, colleagues, students and so on and then approaches the leader of a Sufi network. Depending on the shaykh's or shaykha's charisma, he or she will stay in the periphery of a Sufi network for some time to get acquainted with the shaykh and the network. Sometimes individuals 'recognize' their shaykh or shaykha from a dream or a vision and interpret this as a sign to join his network. While there is a constant flow of non-Sufis becoming Sufis, Sufis apparently never leave Sufism to join non-Sufi or even Wahhabi²⁶ oriented networks.

To become a formal member of a Sufi network, an oath (*bai'a*) with the head of the Sufi network has to be taken. The ceremony varies from one network to another. Large Sufi networks even have collective ceremonies where dozens and even hundreds of new *murîds* can be accepted at the same time. The oath creates a *râbita*, a spiritual umbilical cord, between the *murîd* and his shaykh. While in theory this *râbita* should last a lifetime, in practice, it can be exchanged, renewed, or dissolved. The *râbita* is part of a Sufi's intimate spiritual life. It is not displayed to the outside world. Sometimes not even family members know of the Sufi affiliation. On the other side, an existing *râbita* has to be nursed by daily individual and collective spiritual and ritual exercises. This makes a Sufi network a more concrete structure than a non-Sufi network. Non-Sufi networks might also have initiations for new members. The taking of the oath is the most common.

The integration of female members is a crucial factor for the stability and expansion of Islamic networks. None of the cases examined have a female network leader. This seems to be a consequence of the traditional interpretations of Islam and social habits. Female representation in the upper levels of the religious hierarchy of a network is limited. Leadership positions are not distributed according to competence when females are concerned. In traditional patriarchal societies, the participation of women in an Islamic network depends on the leadership, the members and the environment. Strong female participation has to be supported by the leading shaykh, who has learned to respect the intellectual and spiritual needs of female believers and finds it natural to offer adequate infrastructural support to other women. But it also needs to be supported by the

majority of the network and the social environment. In Syria, any activity of female Muslims is judged by its accordance with the rules of proper conduct and moral acceptance. This is not as much the case for Lebanon where the activities of Shi'i revolutionary movements such as Hizballah have introduced Muslim females in many spheres of professional and public life.

The head of the Syrian Naqshbandiyya-Kaftâriyya, Shaykh Ahmad Kaftârû succeeded to open up his Sufi network to female participation in spite of a majority of conservative members of the Shafi'i school of law²⁷ in his network and a very traditional environment. His first wife was not interested in participating actively but his youngest daughter, Waffâ', was trained as a shaykha by shaykhs and in Sunni religious institutions. She, later, headed the female sub-network of her father. In the early 1990s, after the death of his first wife, Shaykh Kaftârû remarried one of his disciples, Sabâh al-Jabrî. She is since emerging as a new leader within the female Sufi network representing a considerable competitor to Shaykha Waffâ'.²⁸ The fact that Shaykh Kaftârû opened his Sufi network to female participation is one of the reasons of its success. The decisive factor encouraging a strategy in an environment hostile to such social innovations is a political one. Since the mid-1980s, the Syrian regime had to respond to a strong demand for Islam by female Sunnis. It found a willing co-operation partner in the Sufi network of the Kaftâriyya. In exchange for providing infrastructural support and religious legitimacy, the Sufi network is given regime support to expand without being harassed by the security services like other Islamic networks, organizations and individuals.²⁹ The network leader has to make the crucial decision how to adapt to such national and regional settings. He might risk his reputation and credibility within his network and within the Islamic community.

In the case of the international Sufi network of the NaqshbandiyyaHaqqaniyya, Shaykha Amina 'Adil, the wife of Shaykh Nazim al-Qubrusi, unexpectedly has had great success in the Western world, especially in England.³⁰ While the network's centre is in Lefke in Cyprus, it entertains branches all over the world. Since her four children have grown up, Shaykha Amîna 'Adil usually accompanies her husband on his trips but she never wanted to take an active role. When the demand from the female disciples in England and abroad grew stronger, her husband encouraged her to respond to their needs and take a more active role. Even though half of the Sufi networks disciples are female, males dominate the leadership. When the same Sufi network decided to expand in the USA, it was not the shaykh's daughter, Nazihe, who was appointed as the *khalifa*, the national representative, but her husband, the Lebanese Shaykh Hishâm Qabbânî. She later took over the women's organization Kamilat, of which her husband is the chairman.³¹

In a conservative environment such as the Palestinian refugee camps in Lebanon, it is difficult for a shaykh to challenge existing traditional gender roles and relations by including female participation in his network. But even here, one has to be careful to judge. The 70-year-old Palestinian Sufi shaykh of the

Naqshbandiyya, Shaykh Ibrâhîm Ghunaym, is based in the Palestinian refugee camp of Nahr al-Bârîd in northern Lebanon. His wife, Hajje Yusrâ, hardly ever leaves their modest apartment underneath the al-Quds mosque in the centre of the camp. If she does, she wears the black face veil, the *mandil*. She participates in all of her husband's decision-making processes and financially supported his education. During the Israeli invasion in 1982, she lived in the Palestinian camp of 'Ayn al-Hilwe near Saida. She called the encircled inhabitants of the camp to armed *jihâd* against the Israeli invaders surrounding the camp and she organized the strong resistance for 11 days before fleeing to the north. During the struggle, two of her sons were killed. Her husband was in Iran at the time and joined what was left of the family after their escape.³² Officially, her husband was celebrated as a hero of the early resistance movement in Lebanon. He receives financial support from various foreign governments and local organizations for his al-Murshid³³ organization.³⁴

In ayatollah networks, female members encounter more problems trying to climb the religious hierarchy. Even though they constitute more than 50 per cent of the members in the network, males dominate the upper echelons of the pyramid. Until August 2001, women in Ayatollah Fadlallâh's network could not even qualify themselves because they could not attend the highest level of the *hawza* studies. While male students meet four times a week in the early morning hours to study Twelver Shi'i jurisprudence in the house of the ayatollah, female students were not admitted. When the first group of female students arrived at the third and last level of the ayatollah's *hawza*, the al-ma'had al-islâmî li'l-nisâ', they simply could not continue, because the ayatollah refrained from receiving them in his house to teach them. One of his daughters-in-law is among the young women eager to continue. A heated discussion erupted in which progressive young *mujtahids* supported the women's plight and, in the summer of 2001, the ayatollah decided to open an advanced level for female students.³⁵

Network Management

Territorial expansion: There are two types of expansion of Islamic networks, passive and active. Passive expansion is the result of migration of network members for political, economic and social reasons. It is a territorial expansion in territory, while the number of network members does not necessarily increase. During the Lebanese civil war, many members of Middle Eastern Islamic clerical networks emigrated to Europe, Canada, Africa, the US and South America. The network leader's zone of influence expanded automatically even though he might not have intended to do so. Active expansion is a result of missionary activities, the *da'wa*. Strategic decisions made prior to the expansion use *da'wa* as a means to attract new followers.

To be able to expand, Islamic networks need a supportive environment. Host states like Syria, for example, do not provide an adequate setting because of the oppressive strategies of their religious politics. Activities of Islamic networks are

strictly regulated and monitored. Mosques, mosque personnel and Islamic education are administered by the Ministry of Awqaf with the secret service playing a decisive role in all matters. Those who contribute to the religious legitimacy of the oligarchy are promoted while those representing a risk are harassed or suppressed. The same applies to Turkey, Iraq, Israel and other countries with repressive political regimes.

Lebanon offers a more attractive market to Islamic networks. This is clearly reflected by the wide variety of networks represented there. The absence of a strong state and its preoccupation with economic and political problems offer Islamic networks an interesting but competitive arena.

In the Islamic world, a large number of shaykhs and shaykhas court a relatively small number of potential followers. Consequently, the United States or Europe have become very attractive markets because they do not have the same restrictions as in other authoritarian countries. But unlike countries with a majority of Muslims, Islam does not penetrate Western societies on all levels. The absence of a vast infrastructure of Islamic institutions such as mosques, Islamic schools, etc. and of Islamic symbolism in the daily life create an obstacle for the expansion of Islamic clerical networks beyond the communities of immigrants.³⁶

This is the case for a number of Sufi networks in Germany, for example. A number of Sufi orders have branches in Europe represented by migrants from Islamic countries or by European converts. The Turkish Sufi tradition of the Mevlevis founded by the famous poet and Sufi Jalâl al-Dîn Rûmî is continued by a number of sub-networks in Germany. One of them is led by the German couple, Abdullah Efendi and Nuriye Hanim. Shaykh Abdullah is a German convert who was trained in Turkey and Syria by Mevlevi, Qâdirî, Rifâ'î and Naqshbandî shaykhs. Later, he returned to Germany as a fully-fledged shaykh with his wife to start his own religious enterprise in Trebhus in east Germany. They attract a limited number of newly converted German Muslims and non-Muslims interested in Islam, but they have little success among the large community of Turkish Muslims in Berlin and Germany even though they speak Turkish and Arabic and represent an old Turkish Sufi tradition.³⁷ The Muslim community of Turks and Kurds in Germany is mostly of Anatolian origin. Instead of joining a local network in Berlin, they continue to nurse or even renew their affiliations with their network leaders while in Turkey. The leaders come to Germany for a limited period. The Turkish Qâdirî Sufi shaykh, Mustafa Ozag, from Istanbul who has about 100,000 followers in Istanbul, spends every Ramadan in Berlin to visit his family and disciples.³⁸

Network Elite: In small networks, a member has a direct link of loyalty with the network leader. This link is based on a personal bilateral relationship reinforced through regular religious ceremonies, teaching, training and shared social activities. Supervision and training of members, social work, public relations, planning trips for the network leadership, administrative work are administered by the family of the most trusted followers and the leading shaykh.

A Sufi shaykh of a small network holds his religious ceremonies at his mosque, his Sufi centre, or at his private house. Shaykh Ibrâhîm Ghunaym, the leader of the Palestinian Naqshbandi-Sufi network, trained his followers twice a week in his house in the Palestinian refugee camp of 'Ayn al-Hilwe near Saida.

Expanding Islamic networks have to cope with the growing territory, longer distances, the rising number of network members and the workload. During the growth of the network, it has to be restructured to survive its growth without major damage. Few networks can keep their hierarchical pyramidal shape when the growth process happens within the lifetime of one network leader. Even the extended family cannot cope with the work and has to include longtime male and female followers in higher management positions. These promotions include marriage into the shaykh-family.

One of the reasons of the successful expansion of the Sufi network of the Naqshbandiyya is its tradition of nominating representatives, the *khalîfas*. Shaykh Nazim al-Qubrusi, one of the most successful twenty-first century shaykhs, has male *khalîfas* in many countries. Each one has been trained by him for many years and quite often Shaykh Nazim al-Qubrusi also suggested a suitable partner for marriage before sending the person abroad. These couples are converts from mixed ethnic and religious origins. The khalifa of the United States is his son-in-law, Shaykh Hishâm Qabbânî, who is from a prominent Sufi family in Lebanese coastal town of Tripolis. The khalifa of Egypt is the German convert, Shaykh Abdullah Schleifer, and the khalifa of Germany is the German convert, Shaykh Hasan Dyck.

In the Sufi network of the Naqshbandiyya-Kaftâriyya, the network leader, Shaykh Ahmad Kaftârû, has never formally accepted to nominate a *khalîfa* and he never issues a written *ijâza* to any of his students. *De facto*, he did entrust top-level positions to family members and disciples. His lack of management skills has caused many problems within the network. His son, Mahmud Kaftârû, was the director of the Abû 'l-Nur Islamic Center until he had to be suspended for charges of corruption. His daughter, Waffâ,' was the head of the female organization in the centre until she too was suspended for corruption. Barring relatives and close aids from misappropriation of funds obviously is not an easy task. In Lebanon, a subnetwork was created without Shaykh Ahmad Kaftârû's permission. One of his closest disciples, Shaykh Rajab Dîb,³⁹ founded his own network while on mission in neighbouring Lebanon. Shaykh Rajab was sent there as a mosque teacher during Ramadan in 1968 and stayed longer to start teaching a small circle of young men who later became his followers.⁴⁰ Since 1976, when the Syrian intervened officially in Lebanon, the small group received growing political support by the Syrian occupational forces. It has become a national Sufi network called the Rajabiyya and is controlled by Shaykh Rajab Dîb's family. Rhetorically, the network presents Shaykh Ahmad Kaftârû as its head, but practically he has nothing to say about internal decisions. In order not to risk further splits in his network, Shaykh Ahmad Kaftârû has never openly criticized Shaykh Rajab Dîb.

In Ayatollah Fadlallâh's network, his family occupies many strategic positions. His brother, Dr Muhammad Baqir and his oldest son, 'Alî, are in charge of the welfare organization al-Mabarrât.⁴¹ His uncle, Kazim Fadlallâh, is the head of finances for the whole network, his son, Najîb, runs the website of al-Bayyat⁴² where the ayatollah's Friday prayers are published on a weekly basis. He also publishes the weekly bulletin, *al-Bayyanât*, which is distributed at the entrances of the ayatollah's mosque in the south of Beirut after the Friday prayer. The ayatollah's daughter-in-law, Nabîha Muhaydli, is the head of the publishing house Dâr al-Hadâ'iq.⁴³

In ayatollah networks, the representative of an ayatollah abroad is the *wakîl* (pl. *wukalâ'*). When Ayatollah Fadlallâh's Beirut-based network started to expand dramatically in the mid-1980s, he opened a public relations office next to his main mosque in Harat Hreik in Beirut. It coordinates the *wukalâ'* abroad. In each area with a community of followers, a local administrative representative, a *wakîl idârî*, takes care of the administrative and social matters. The *wakîl idârî* of the ayatollah in Berlin arrived from Lebanon in 1976 as a teenage refugee. His family has longstanding ties with the ayatollah. His grandfather used to be his close friend, but he himself never showed any deeper interest in the ayatollah's teaching. In Berlin, a Shi'i friend introduced him to the ayatollah's ideas. While working full-time in a factory, he continued studying and visiting the ayatollah in Beirut during holidays. He took charge of organizing the small community of Lebanese, Iraqi and Iranian Twelver Shi'i refugees in Berlin and emerged as their *wakîl idârî* and was recognized as such by the central administration in Beirut. In recent years, a religious representative, a *wakîl shar'î*, is regularly sent from the public relations office in Beirut. Every two or three months, a new shaykh is sent from Beirut to Berlin. They usually leave their families in Lebanon and are travelling most of the year around the world to advise the ayatollah's communities. Since the community is composed of refugees, blue-collar workers and students, high-ranking shaykhs prefer to go to wealthier communities in Africa or South America.

Finances: Islamic networks rely on financial resources. In Islamic countries, the market is very competitive but benefits from a consensus of shared values and traditions by a Muslim majority. This is not the case in countries with a non-Muslim majority. In many Islamic countries, individuals refer to networks for religious, social, economic and political services. Religious networks are one type among many others. The links are based on reciprocity. Islamic networks rely on contributions of the network members, including the elite, and on support from institutions and states. The more a network generates from its own members, the more independent it is from institutions and states.

Management of financial resources is a crucial factor. As financiers and investors, regional and global Islamic networks are important players in domestic and international markets. They have considerable real estate like mosques, schools, vocational training centres, shops, apartments, parking grounds, and so on. This network infrastructure provides a wide variety of social, educational,

economic and religious services. It also provides a considerable amount of jobs and educational opportunities.

A *marja'*-network collects substantial amounts of alms (*huquq shar'iyyd*) like *khums* and *zakât* paid by the followers to the *marja'*. *Khums* is a yearly luxury tax, while *zakât* are alms paid throughout the year. In Beirut, money is collected in alms boxes and at special collection desks and offices. Abroad the representatives of the *marja'*, the *wukalâ'*, collect the money. Ayatollah Fadlallâh dedicated several chapters in his *risâla 'amiliyya* to alms giving.⁴⁴ A *marja'* has to follow strong guidelines for expenditures and is under constant scrutiny by his critics and competitors. The money is invested in providing a social, religious, educational and economic infrastructure for the followers, Twelver Shi'is and the Muslim community in general. In Lebanon, Ayatollah Fadlallâh founded the al-Mabarrât welfare organization which includes kindergartens, primary and secondary schools, schools for handicapped, professional training centres, mosques, Islamic centres and libraries.⁴⁵

A portion of the *khums*, the *sahm al-imâm*, is dedicated to prominent 'ulamâ as lawful deputies of the imam. The ayatollah also finances a growing number of students. A large body of students adds to the prestige of a *marja'* because after the completion of their studies they broaden the *marja'*'s network of patronage and influence. Students in primary and secondary schools have to pay fees but it is free for poor children and orphans from the ayatollah's orphanages. He also entertains two *hawzât*, one for male students and the other for female. *Hawza* students receive a monthly allowance to attend and foreign students are also given free boarding and tuition. It is very difficult for the ayatollah to find talented students. Not many decide to devote their life to the study of Twelver Shi'î jurisprudence. They prefer to enter more prestigious studies in regular universities such as law, medicine, or engineering. Those who do decide to become an 'âlim are not always the most talented. There is a strong competition among the seminaries in the Shi'î world and potential students choose very carefully. In Lebanon, there are several *hawzât* competing with each other for students. Some students have even registered in several *hawzât* at the same time to collect more money. Others register to escape military service. Belonging to a *marja'*-network is, therefore, not only prestigious but financially rewarding.

An analysis of the administration of funds reveals a bare minimum of bureaucratic procedures, a high fluctuation at all levels of the management and a high degree of improvisation. In smaller Islamic networks with limited financial resources, the leadership is not a fulltime occupation but rather a 'hobby'. The shaykh, the network elite and the members often have another full- or part time occupation to cover their living expenses. Some shaykhs are preachers in mosques or teach at universities or schools. Others have a profane education, like the Sufi shaykh Ahmad Yashruti, who worked as a lawyer. His designated successor, Shaykh 'Alî Yashruti, has a doctoral degree in biochemistry. The head of the Naqshbandiyya-Haqqaniyya, Shaykh Nazim al-Qubrusi al-Haqqani, studied engineering in Istanbul. Some shaykhs rely on revenues from private

property such as real estate. The Naqshbandi shaykhs of the Kurdish Sirâj al-Dîn family were from rich landowning families with big estates in Iraqî and Iranian Kurdistan and abroad.⁴⁶

Followers of a network, support the network by providing money, services, know-how and time. Rich and well-educated followers add to the attraction of a network. In the Naqshbandiyya-Kaftâriyya, followers take turns in providing lunch for their network leader, Shaykh Ahmad Kaftârû. Each day of the week, another follower brings the cooked lunch to the residence of Shaykh Ahmad. Sufi shaykhs employ disciples in household work, teaching, administration and agriculture as part of their murîd-training programme.

All Islamic networks display a remarkable pragmatism in adapting ideology to financial priorities. When it comes to attracting financial support, ideology is not a priority. One extraordinary example is the above-mentioned Palestinian Sufi network of Shaykh Ibrâhîm Ghunaym. Their role in resisting the Israeli invaders in 1982 was financially rewarded by various individuals and institutions. The al-Murshid welfare organization was founded which includes a number of kindergartens, schools and Islamic missionary centers in most of the Palestinian camps in Lebanon. Al-Murshid's activities are partly financed by the Shi'i Hizballah in Lebanon and by Saudi sources. This is quite a surprise because the Naqshbandiyya have a strong dislike for Shi'ism which dates back to the Safawid opposition towards the expansion of the Naqshbandiyya in Iran. Naqshbandis have an even stronger dislike for Wahhabism, Saudi Arabia's official Islam interpretation. When the Saudi financiers found out that they supported a Sufi organization, al-Murshid was reorganized to secure its financing and satisfy the Saudi financiers. Shaykh Ibrahim Ghunaym had to withdraw officially and Wahhabi-oriented radical currents took over parts of al-Murshid.⁴⁷

Succession: A change in the leadership position of an Islamic network is crucial. This usually occurs through the death of the network leader. The question of succession challenges the network stability if changes in the leadership were not anticipated. The network leader might be killed or die unexpectedly. If more than one successor are competing for the succession, the network comes under severe pressure and might split. This can be avoided if the acting network-leader faces the question of his succession and develops strategies to prepare a smooth transition.

In Sufi networks, sons of network leaders are in a good position to be considered for succession. The oldest son or the most talented one will have been trained from an early age for his shaykh career. In the Sufi network of the Yashrutiyya-Shâdhiliyya, the leadership is always inherited by a son who has been in training many years before taking over. The founder of a Sufi network, Shaykh 'Alî Nûr al-Dîn al-Yashruti, had problems when his designated successor, Shaykh Muhyî al-Dîn, died in his twenties. While ignoring his qualified and well-trained daughter, Fâtima al-Yashrutiyya, he had his son, Ibrâhîm, from his first marriage brought from Tunisia to Palestine. There, he was trained for many years and later took over.⁴⁸

In the case of the Sufi network of the Kaftâriyya-Naqshbandiyya, Shaykh Ahmad Kaftârû's oldest son and designated successor, Shaykh Zâhir, was killed in February 1979 during a fight with peasants.⁴⁹ Even though no other son was qualified to take over, his daughter Waffâ' was not even considered. She studied informally with a number of shaykhs and shaykhas and formally at two faculties of Islamic law in Damascus. Presenting a daughter would probably not meet the approval of a majority of the network members in a traditional society like that of the Middle East.

The Kurdish head of the Naqshbandiyya-Khaznawiyya based in Tell Ma'ruf in northeastern Syria, Shaykh Muhammad al-Khaznawî, inherited his position in 1969 from his father, Shaykh 'Izz al-Dîn.⁵⁰

The leader of a Sufi network is able to manipulate the succession more easily because of the irrational element which influences the succession in Sufi networks. The Sufi shaykh usually has a vision in which he receives a message of divine origin concerning the succession. Depending on his power, his charisma and the economic and political resources at his disposition, his vision will have to be accepted by the majority of the network members. If it is not accepted, there is a severe risk to the continued stability of the network. The succession will be challenged and those unwilling to accept it create turmoil and split off.

In Twelver Shi'i networks, the son of a *marja'* has to go through decades of studying, teaching and publishing before he can make any claims as a successor. The death of a *marja'* is much more problematic for his network's stability than for Sunni networks because he cannot calculate the dynamics created by his death. His successor might come from another country which means the whole structure has to be shifted. Or there might be several claimants to the succession. The history has shown that succession always present the best occasions for insubordinate elements within the network to split off and constitute their own sub-network.

Ethnic factor: Islamic networks are composed along ethnic lines. Kurdish shaykhs tend to attract Kurdish disciples, German shaykhs Germans, while an Arab *marja'* attracts mainly Arabs and a Persian *marja'* mainly Iranians. This could be partly due to the language barrier. The Kurdish Sufi shaykhs of the Naqshbandiyya, Shaykh Ahmad al-Khaznawî, from Ma'ruf near Qamishly in northern Syria, has thousands of followers among Arabic and Kurdish speaking Kurds in Syria, Lebanon and in the Kurdish communities in Europe. The Kurdish Sufi shaykh, 'Uthmân Sirâj al-Dîn II of the Naqshbandiyya, who lived in Teheran, Baghdad, Amman and Istanbul, had mainly Kurdish followers.

Shaykh Ahmad Kaftârû, the leader of the Sufi network of the Naqshbandiyya-Kaftâriyya, has a mixed following of Kurds and Arabs. He himself is of Kurdish descent with an Arab mother and a Kurdish father. His first wife was Kurdish and his second Arab. Among his most trusted disciples are Kurds like the Dîb brothers, Shaykh Ahmad and Ramadân Dîb and Arabs such as Shaykh Bashîr al-Bânî. The dominant language spoken in the order is Arabic, even though other

languages such as Kurdish, English and Russian are used. The only shaykh able to overcome ethnic boundaries is Shaykh Nazim al-Qubrusi who succeeded in creating a multi-ethnic and multinational network. He himself is a Turk married to a Tartar. He followed a Daghestani shaykh and one of his most prominent sons-in-law, Shaykh Hishâm Qabbânî, is an Arab from Lebanon. Shaykh Nazim speaks Turkish, Arabic and English fluently which helps to overcome language and cultural barriers within the network. But in the above mentioned case of the Mevlevi shaykh Abdullah Efendi, this does not apply. He speaks Turkish fluently and represents an old Turkish Sufi tradition. Still his main small following is German and he does not attract many Turkish followers.

External Factors

Geography

External factors determine the structure and dynamics of an Islamic network decisively. The geographic topography of an area influences communication and density of links between the leadership and network members and among network members. Geographic barriers limit the formation or maintenance of close ties within a network and create cleavages. In the mountainous region of northern Lebanon or in remote village of the Syrian desert, for example, it is much more difficult for disciples of a Sufi network to have weekly meetings for meditations than it is for the residents of urban centers. Most of the disciples in these areas are poor. They do not dispose of means of communication like their urban counterparts. An e-mail list like that of the American branch of the Sufi order of the Naqshbandiyya-Haqqaniyya would be of no interest. For many shaykhs and shaykhas, it is unattractive to live in geographically remote poverty stricken areas. Therefore, there is a constant lack of qualified teachers. Links with the leader of a given Islamic network are not reinforced on a regular basis. Books and audio-cassettes still represent an important means of communication and teaching.

Political Authority

Whether or not an Islamic clerical network, Shi'î or Sunni, opposes, cooperates, or simply coexists with a state or regime depends on its leader who has to make the decision whether or not the relations of authority and the principles of legitimacy as defined by the ruling political authority should be accepted by the Islamic network. The political agenda of a host state is intimately linked with its religious and economic agenda which predetermines the relationship with certain Islamic networks. Host states usually prefer to support Islamic networks which contribute to their religious legitimacy. Leaders of large and rich Islamic networks cannot remain indifferent towards the political authority of the host

states. They have to decide on their network's strategies which might range from unconditional support to total opposition. While the decision to co-operate might expose the leader and his network to pressure from oppositional forces within the network and outside, the decision not to co-operate might lead to pressure from the political authority of the host state. In both cases, a network's concept and structure must be adapted to the framework set by the host government's officially propagated version of Islam.

Islamic networks are difficult to seize because they remain largely informal. They form alternative, informal institutions to further their interests and extract as much as possible from the distributional mechanisms of the state. At the same time, they escape licensing, regulation and enumeration from the state. Islamic networks tied to counter-elites are considered a threat. They represent an alternative vision of the society and they have access to resources not controlled by the authorities. They offer channels for the communication and circulation of information. They are powerful vehicles for the mobilization of individuals into oppositional activities. They benefit from a weakened or indecisive central authority like the Lebanese state, particularly since the mid-1970s.⁵¹

Sufi networks deal well with the adaptation process to their host environment because of the links of loyalty within them. They integrate male and female disciples in a tightly knit hierarchy. The lack of the individual follower's participation in the decision-making process makes Sufi orders attractive collective co-operation partners for authoritarian states such as the Syrian. Sufi networks usually do not feel very comfortable in Saudi Arabia which is dominated by a Wahhabi interpretation of Islam. Wahhabism and Sufism traditionally have a strained relationship because each one questions the legitimacy of the other. On a daily basis, this creates constant frictions. Sufis like to visit tombs of male and female saints and they like to celebrate the birthday of the Prophet Muhammad, practices rejected by Wahhabi Islam. Sunni sufi networks in general feel less at ease in a Shi'ī dominated area and vice versa. Ayatollah Fadlallāh does not feel very comfortable in Sunni-dominated Syria even though he is warmly welcomed by the regime.⁵²

Islamic networks also act as investors and buyers. The laws of a host state determine how Islamic networks institutionalize their infrastructure. Following the rules of the free market economy, they prefer to move to places where they can act without too much intervention from the state. Host states like Iraq, Syria, Uzbekistan, etc. do not offer attractive national economic markets. Shaykh 'Uthmān Sirāj al-Dīn II, a wealthy Kurdish Naqshbandi shaykh, had to leave Iraq for Iran after the Iraqi revolution in 1958. In 1979, he could not come to terms with the new Islamic leadership in Iran and returned to Baghdad and later to Istanbul.⁵³ His cousin, the Shaykh Ma'sūm Naqshbandi, made his family leave Iranian Kurdistan in 1979.⁵⁴

Wars and revolutions disrupt the growth of most religious networks, as the example of the creation of the state of Israel in 1948 illustrates. When the network leader of the Yashrutiyya, his family and his closest followers fled to

Lebanon in 1948, the centre of the network had to be shifted and many links were disrupted. It takes time to reorganize the network and to reestablish the links. The case of the Lebanese civil war disrupted many Islamic networks. Only those directly involved in armed struggle, like the Hizballah, benefited. In 1980, Shaykh Ahmad Yashruti, the head of the Yashrutiyya, fled from Lebanon to Amman. Those who did not move with the leader had to overcome considerable obstacles travelling from Lebanon to Jordan to see the shaykh in Amman. Ayatollah Fadlallâh abandoned his mosque and teaching institutions in Naba', in the east of Beirut in 1982. And after a stay in the south of Lebanon settled in the south of Beirut.⁵⁵ If the political situation forces a leader to move constantly, the structures of his extended network are destabilized.

Coexistence with other Islamic Networks

The presence of other Islamic networks affects the structure and strategies of a network. Competing concepts of Islamic mission, *da'wa*, might create frictions in the area where several Islamic networks contend for influence. 'The Muslim's duty is to invite, to call, to reason with and to exhort others, with the objective that every individual eventually submit to the will of Allah. Advocates of the lifestyle approach while admitting that every Muslim is indeed obligated to live in such a way as to attract others to the faith, nevertheless deny that every Muslim can or should be a proclaimer of the message in the activist meaning.'⁵⁶ Islamic networks with a passive *da'wa*-definition, which try to propagate Islam through proper conduct and lifestyle, collide less frequently than Islamic networks with an active *da'wa*-definition. They try to revive or reform Muslims who have abandoned 'true Islam' and to convert non-Muslims.

The Islamic network of the Ahbâsh in Lebanon has created many tensions in the Muslim community of Lebanon by propagating an aggressive form of *da'wa*. This sub-network of the Rifâ'iyya Sufi tradition attacked all major Sunni and Shi'i networks in Lebanon.⁵⁷ In their monthly publication, *Manâr al-Hudâa*, they criticized representatives of all Islamic networks, like Shaykh Ahmad Yashruti, the leader of the Yashrutiyya Sufi network.⁵⁸ Prime minister Hariri was under constant attack for his links with the Wahhabi rulers of Saudi Arabia. They repeatedly clashed with Muslims all over Lebanon.⁵⁹ The Ahabash are believed to be instrumentalized by the Syrian secret service to cause frictions among Muslims in Lebanon.⁶⁰

Non-Islamic networks might have a radicalizing influence on an Islamic network. This is particularly obvious in areas under political and economic pressure. Certain members of the Yashrutiyya-elite were at the same time in the Palestinian Fatah-organization in Lebanon in the 1960s and 1970s. The brother of the acting shaykh, Khalid Yashruti, was a member of the PLO and the Fatah-organization. He was murdered in January 1970 in Beirut and his wife Nada was murdered in 1973.⁶¹

Even though the US has been an extremely attractive market for Islamic networks, certain areas within the US are more attractive than others. It depends on the interplay with local and regional forces. The expansion of the Naqshbandiyya-Haqqaniyya to the US and their demand for the introduction of the birthday celebrations for the Prophet Muhammad in American mosques and other Sufi practices have created many problems with 'Wahhabi-currents' in the US.⁶²

Similar lines of confrontation have emerged in Lebanon. In Saida, a coastal town in the south of Lebanon, the Naqshbandi Shaykh Sa'da regularly clashes with Wahhabis. These confrontations expressed in religious terms are mere power struggles over zones of influence where two expansionist conceptions of Islamic mission, the *da'wa*, collide.⁶³

Conclusion

The contribution has showed that Islamic clerical networks are important actors on a local, national and global level. Compared to formal organizations, networks are looser with more amorphous structures. Depending on the arrangements within the network, a network is extremely flexible in responding and adapting to internal and external changes because its objectives are less rigidly set and the authority is channeled through personal ties. However, each network is so unique and the interplay of network-related and external factors is so complex that each case has to be studied individually.

NOTES

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2. There are many private institutions for advanced Islamic studies in the Islamic world, like the Imâm al-Awzâ'î Faculty in Beirut with a branch in Damascus.
3. For details, see Said Amir Arjomand, 'Introduction', in Arjomand [1988:1–22].
4. For the relationship between the two, see Abbas Amanat, 'In between the Madrasa and the Marketplace', in Arjomand [1988:98–132].
5. *Marja' al-taqlid*: source of imitation/emulation.
6. A *mujtahid* is someone who is qualified to use of individual human reasoning in deriving legal rulings (*ijtihâd*).
7. Seeal-Surûr [1992:33–44].
8. See Fadl Allâh [2001/1421].
9. For example, his book on marriage [Fadl Allâh 1996/1417h] is edited by his student Shaykh Ja'far al-Shâkhûvî.

10. A.K.S.Lambton, 'A Reconsideration of the Position of the Marja' Al-Taqlid' [1964: 121–2].
11. A muqallid/a (male and female) is someone who emulates the mujtahid in his legal rulings.
12. Amanat, 'In between the Madrasa and the Marketplace', in Arjomand [1988:101].
13. A shaykha is a female.
14. For biographical details, see his official biography, Habash [1996].
15. See Böttcher [1998]; Frederick de Jong, 'The Naqshbandiyya in Egypt and Syria', in Gaborieau, Popovic and Zarcone [2001:195–208].
16. On female missionaries, see Annabelle Böttcher, 'Portraits of Kurdish Women in Contemporary Sufism', in Mojab [forthcoming].
17. For more details, see Annabelle Böttcher, 'Official Shi'i and Sunni Islam in Syria' [forthcoming]; Kramer [1987:11–16].
18. For more information on the Yashrutiyya, see van Ess, 'Die Yashrutiya' [1975:1–103].
19. Author's informal interview with Ahmad Yashruti in Khalde (Lebanon) in February 1999.
20. Yashrutiyya [n.d.: 55–345].
21. Yashrutiyya [1997/1418:323]; author's informal interviews with Shaykh Ahmad Yashruti in Khalde (Lebanon) in February, March and April 1999.
22. Intensity: frequency of contact; asymmetry: authority-based link as opposed to the symmetric links among network members; reciprocity: exchange based relationship. See Bonnie H.Erickson, 'The Relational Basis of Attitudes', in Berkowitz and Wellman [1988: 99–105]; Barry Wellman, Peter J.Carrington and Alan Hall, 'Network as Personal Communities', in *ibid.* [1988:140–9].
23. Wellman, Carrington and Hall, 'Network as Personal Communities', in *ibid.* [1988: 174].
24. Wilfried Buchta, 'Die Islamische Republik Iran' [1985:449–52].
25. *Ibid.* [1985:454–74].
26. Wahhabism is an Islamic movement and interpretation founded by Muhammad 'Abd al-Wahhâb (1703–92) which was adopted by the political movement of Ibn Saud in 1744. It is now the official Islam in Saudi Arabia.
27. The Shafi'i school of law is one of the four major schools in Sunni Islamic law.
28. On the female branch of the Kaftâriyya, see Böttcher, 'Portraits of Kurdish Women', in Mojab [2001:195–208]. Annabelle Böttcher, 'L'élite féminine kurde de la Kaftâriyya', in van Bruinessen [1998:125–39].
29. For more details on religious politics in Syria, see Böttcher, 'L'élite féminine kurde de la Kaftâriyya', in van Bruinessen [1998].
30. Author's informal interview with Shaykha Amîna 'Adil in Sofar (Lebanon) in July 1999.
31. See <http://www.kamilat.org>.
32. Author's informal interviews with Hajje Yusra in January and February 2001 in the Palestinian camp of Nahr al-Bârid (Lebanon) and author's informal interviews with Umm Usâma, the daughter of Hajje Yusra, in Feb. 2001 in Saida (Lebanon).
33. Murshid stands for majlis ri'âyat al-shu'ûn al-dîniyya.
34. Author's visit to the women's organization of al-Murshid in April 2001 in the 'Ayn al-Hilwe camp near Saida (Lebanon). For more information see the booklet, 'Majlis ri'âyat al-shu'ûn al-dîniyya (murshid)' [1414h/1993].

35. Annabelle Böttcher, 'Im Schatten des Ayatollahs', *Neue Züricher Zeitung*, 7 March 2001, p.5.
36. See Denooux [1993:207].
37. Informal interview with Abdullah Efendi and Nuriye Hanim, 24 Nov. 2001, in Berlin.
38. Informal interview with Shaykh Mustafa Ozgür in November 2001 in Berlin.
39. For biographical information, see 'Abd al-Rahim [1998].
40. Bachchar Chrabou and Waddad Charâra, 'Une mosquée de Beyrouth aujourd'hui: unité de la communauté et diversité des croyants', in Zakaria and Chrabou [1985: 31–2].
41. <http://www.mabarrat.org.lb>.
42. <http://www.bayynat.org.lb>.
43. Annabelle Böttcher, 'Ayatollah Fadlallâh und seine Wohltätigkeitsorganisation al-Mabarrat', in Gronke *et al.* [2002:41–7].
44. See Fadl Allâh [1996: 513–49]; on *zakât*, *ibid.* [553–617]; on *khums*, see Abdulaziz Sachedina, 'Al-Khums' [1980:275–89].
45. For more details, see Böttcher, 'Ayatollah Fadlallah', in Gronke *et al.* [2002:41–7].
46. For more details, see Shakely, 'The Naqshbandi Sheikhs of Hawraman', in Özdalga [1999: 89–100].
47. Author's visit to some of al-Murshid's institutions in the north and south of Lebanon in spring 2001 and informal talks with Ahmad Ghunaym, the son of Shaykh Ibrâhîm Ghunaym. See also 'Majlis ri'âyat al-shu'ûn al-dîniyya (murshid)' [1414h/1993].
48. Yashrutiyya [n.d.: 259].
49. Informal interview with Shaykha Waffâ' Kaftârû in March 1994 in Damascus (Syria); Habash [1996:181–9].
50. *al-'Arif billâh al-'alâma al-Shaykh 'Izz al-Dîn al-Khaznawî* [n.d.: 78].
51. See Denooux [1993:149–50, 201].
52. For more details, see Böttcher, 'Official Shi'î and Sunni Islam in Syria' [2002–03].
53. See Shakely, 'The Naqshbandi Sheikhs of Hawraman', in Özdalga [1999:94].
54. Informal interviews with Shaykh Ma'sum Naqshbandî and his son, Dr Ja'far Naqshbandî, in Belmont, Texas, in July 2000.
55. See al-Surûr [1992:70–71].
56. See Posten [1992:4].
57. For their conflict with Hizballah in Baalbeck (Lebanon), see Associated Press, 19 April 1991, Lexis-Nexis databank online. For clashes with Wahhabi movements in Akkar (Lebanon) see *BBC Summary of World Broadcast*, Part 4 The Middle East, Africa and Latin America, LEBANON, ME/1548/A/1, 26 Nov. 1992, Lexis-Nexis databank online and Intelligence Newsletter, Indigo Publications, 18 July 1996, Lexis-Nexis databank online; *DPA*, 21 Jan. 1997, Lexis-Nexis databank online.
58. Informal interview with Shaykh Ahmad Yashruti in March 1999 in Khalde (Lebanon).
59. For more information, see Marc Yared, 'Habachi et les islamistes' [1998: 83–97], which is basically a copy of the pro-Ahbash-article, Nizar A.Hamzeh and R.Hrair Dekmejian, 'A Sufi Response to Political Islamism' [1996:217–29].
60. See report in 'Lebanon's Divided Sunnites and the Syrian Factor', *Mideast Mirror*, 11/75, 18 April 1997, Lexis-Nexis databank online.
61. See van Ess [1975:74, fn.205].

62. For more information, check <http://www.islamicsupremecouncil.org>, one of the websites of the Naqshbandiyya-Haqqaniyya.
63. Informal interview with Shaykh Sa'da in February 2001 in Saida (Lebanon).

4

New Centres and Peripheries in European Islam?

JORGEN S.NIELSEN

It is always an interesting experience to look back at what one wrote some years ago. Ten years ago, in my overview of Muslims in western Europe [Nielsen, 1992:165], I noted the appearance of

...the generation of young Muslims born or grown up in Europe. These people, especially in Britain and France, have been through a European system of education...and are consciously undertaking the analysis of Islam and its cultural expression necessary for Islam to remain meaningful to them and to their children in turn.

Three years later [Nielsen, 1995:167], I added to this that these young people were being countered by

...a majority of young Muslims, who have not been successful in education and who are now growing into unemployment and other forms of social marginalisation. In Britain, the most concrete example of this is to be found in the new phenomenon of Asian youth gangs in conflict with their parents, with community leaders, and with the police.

I was here registering the signs already visible then of the coming to the fore of a European Muslim generation which, by the beginning of the twenty-first century, has come to dominate the appearance of Islam and Muslim communities in western Europe. The balancing of the optimism, now so obviously naïve, of the first account with a darker warning in the second was timely.

Typologies

In those early writings about Muslims in Europe, extensive emphasis was placed by scholars on the process of immigration and the settlement with the immigrants of Muslim organizations from the countries of origin, supplemented by local anthropological studies including observations of ritual practices [Dassetto and Conrad, 1996:71–82]. Two of the earliest conferences to take Muslims in western Europe as their theme illustrate this well. The 1986

Stockholm conference on 'The New Islamic Presence in Europe' contained only one paper attempting to discuss the content of a European Islamic discourse [Gerholm and Lithman, 1988]. One paper registered the presence of a new generation, but they were still children [Krieger-Krynicky, 1988]. All the rest dealt with organization and politics in one form or another [Gerholm and Lithman, 1988]. The conference on 'The integration of Islam and Hinduism in western Europe', held in Leiden four years later, only opened the subject of a possible European Islamic discourse in the editors' epilogue [Shadid and van Koningsveld, 1991:228–39].

The publications listed in the early bibliographies on the subject bear out this impression [Dassetto and Conrad 1996; Shadid and van Koningsveld, 1995:127–223]. However, it is also noteworthy that there were significant differences in the scholarly approaches in different countries. While the emphasis on organizations was strong in German publications, French scholars showed a greater interest in the development of culture and ideas, but still primarily from a social science perspective.

Of course, taking one's starting point in the work of researchers over those early years, when the study of Muslims in Europe was only beginning, is pretty certain to guarantee that impressions of what was going on within Muslim communities would be partial at best and skewed at worst. However, I would venture to suggest that they were not completely off the mark. The impression they gave was of Muslim communities still very much dependent for their religious ('theological', 'legal' and 'ritual') thinking and ideas on what was going on in the country of origin, primarily because their priorities lay in getting themselves organized. A variety of Islamic magazines published in various European countries were primarily mouthpieces for the European branches of movements whose centres still lay in the Muslim world. Only on rare occasions do we see it recorded that a Muslim group has located its thinking in the European environment, such as when German-speaking Muslims at one of their first national congresses in 1980 concluded that, as Muslims were tolerated and permitted to carry out their obligations of worship, they could not only stay in Germany but should also carry out their military service (*Al-Islam*, 6/7/8, 1980, 5).

It might be suggested that we saw in Britain during the 1980s a precursor of change towards a more locally-oriented priority. The Union of Muslim Organisations (UMO) had first raised in 1975 the question of whether Islamic family law should apply to Muslims in Britain. The question was pursued sporadically over the following years and was subjected to closer scrutiny in a series of seminars in the mid-1980s. But it remained of concern to only a minority of Muslims in Britain and hardly of any concern to Muslims elsewhere [Nielsen, 1994].

By the mid-1990s, however, the research field had begun to change sharply. For one thing, much more research had taken place, and many more scholars and university departments had become interested, no doubt encouraged by the high

profile the subject acquired as a result of the Rushdie and head scarf affairs in Britain and France respectively in 1989. In both countries, it was clear that one of the factors influencing the affairs was the arrival into adulthood of a significant proportion of the children of the immigrants. By 1991, almost half of the population of Pakistani and Bangladeshi origin in Britain had been born in Britain [Anwar, 1993]. It was through the Rushdie affair in Britain and the head scarf affair in France that a younger generation of Muslim leadership began to come to the fore, leading researchers from the mid-1990s to begin to pay more attention to this younger generation and thus also to attempts to suggest which ways future developments might lead.

Dassetto was the first to attempt a typology of possible future scenarios [Dassetto, 1996:325–9]. He posited nine possible routes which different sections of the Muslim community might take (note that he uses some of these terms rather differently from their normal usage):

- de-islamization and inculturation, whereby Islam as a religion disappears while cultural traits are retained;
- assimilation, in which Islam takes on the privatized nature of most traditional European religions;
- autonomous transnational integration, developing an Islamic institutional structure and discourse while retaining links with the wider Islamic umma;
- integration of protest, whereby Islam becomes an instrument of minority social protest;
- geopolitical dependency, with Muslims considering themselves and acting as extensions of the Muslim ‘centre’;
- diaspora network, concerned primarily with links with like-minded groups;
- externalized integration, in which the integration into the European environment is primarily institutional retaining external cultural references in the private sphere;
- duality, in which the Muslim communities conceptually locate themselves in Europe but consider themselves separate from Europe;
- islamization, in which the Muslim project is to islamise and take over the European environment.

Soon after and independently of Dassetto, I suggested six possible routes young people might take [Nielsen, 1997:139]:

- random retaliation, representing the disaffected youth moving into youth gangs and criminality;
- collective isolation, in which communities find protection in collective retrenchment;
- limited participation, preserving a separation between participation in economic life but preserving cultural tradition in the private sphere;

- high profile separation, in which tradition is maintained within the community but active collective participation takes place outside;
- high profile integration, seeking visible participation in public life while also critically reviewing the Muslim tradition as it affects religion and cultural tradition;
- aggressive action, whose purpose is to change society towards an Islamic model.

Clearly, there are similarities and differences between these two sets of scenarios, and within each there are some scenarios which are more individually oriented while others are more collective in their nature. So it is possible not only to imagine movement by individuals and groups from one type to another but also overlaps between various combination of types.

Centres and Peripheries

It is worth having another look at our listing of types, this time with reference to the concern of this paper, namely, Islamic centres and peripheries. In both sets of types, it is obvious that the position taken is one which is given its context by the European environment. They are inconceivable without it, and they reflect various ways of responding to the challenge of being Muslim in a European environment. In that sense, Europe is a determinant factor and is, therefore, central. However, the question is then where the various Muslim trends in this spectrum of response search for concepts and ideas to provide the 'theological' or ideological substance of the response. Clearly, some of the types listed find the answers to that search in the central Muslim lands and in established movements, often arisen in response to European imperial power, communicating with their sources of guidance by travel, print and electronic media, thus implicitly stating their self-perception of being on the periphery.

Others, however, while not ignoring the 'centre', are asserting an autonomy from it and their right to relate core Islamic traditions and methodologies to their situations in a new environment and thus, in effect, establishing their own centre. These correspond particularly to that complex of movement around the general area of what Dassetto called autonomous transnational integration, and what I called high profile integration. A very explicit assertion of this trend is provided recently by Anne Sofie Roald in her study of Muslim women in the west [Roald, 2001]. She applies two contrasting models of cultural pattern, namely, what she calls the 'Arab cultural base pattern' and the 'western cultural base pattern'. Provocatively, she has 'broadly defined these two cultural patterns as the patriarchal versus the equality pattern respectively' [ibid.: 295]. She relates a move among Muslim thinkers in Europe towards the latter directly to the experience of interacting with a European context but provides an Islamic justification by reference to the legitimacy in the jurisprudential tradition (*usul al-fiqh*) of local custom (*'urf*) as a source of permitted Islamic practice, a view

which has been particularly strong in the Hanafi tradition (Ottoman regions, central and south Asia) and in the Maliki tradition (North Africa and parts of the Arabian Gulf): ‘As ‘urf is an acceptable legal concept in the broader Islamic law..., I believe that European ‘urf which [is] compatible with Islamic principles might, in the creation of a “minority fiqh” in European society, be accorded a strong position on a conscious level as well’ [ibid.: 296].

It is interesting that in her references, Roald does not refer to the medieval North African scholar Abu Ishaq al-Shatibi (790AH/1388 CE). Although his ideas began to experience a revival a century ago, for much of twentieth century, it was the great Syrian scholar Ibn Taymiyyah (d.728/1328) that became one of the determinant classical reference points for twentieth-century Muslim thinkers, including Abu’l-A’la Maududi (d.1979), the founder of the Jama’at-i-Islami, Sayyid Qutb (d.1964), who provided the ideological foundation for Muslim Brotherhood radicalism and its off-shoots since the 1970s, and above all for official Saudi Islam of the Wahhabi tradition. Ibn Taymiyyah was reputed for his strict *hadith*-based legalism (he was a Hanbali) and his rejection of philosophy and mysticism. As so often, there has been a degree of myth construction around him, by which his rejection of philosophy and mysticism have become rather more extreme than historically seems to have been the case. In the last couple of decades a reaction to the strict puritanism of Salafi Islam and its central reverence for Ibn Taymiyyah has increasingly been countered by a more contextualized approach to understanding Islamic jurisprudence, an approach in which al-Shatibi has again become a key point of reference, to the extent that he in turn may now be in the process of becoming a victim of mythologization.

Roald’s reference to Islamic principles could very well be a reference to the concepts of *maslaha* and *maqasid al-shari’a* which are gaining significant ground in the European Islamic debate. *Maslaha* essentially means the well-being of humanity, the *maqasid* achievement of which is the central intent (*maqsid*, sing., see *al-‘Alim* [1991]) of the shari’a. Al-Shatibi provides one of the central classical texts on this topic [Masud, 1995], and his ideas are picked up by contemporary writers. Reasons for this interest are not difficult to find. What one reviewer of Masud’s study says of al-Shatibi is even more true of the end of the twentieth century:

Al-Shatibi’s environment was a rapidly changing one presenting challenges to the application and adaptation of Islamic law. His context was thus not unlike that experienced by late nineteenth-century reformers, faced with colonial domination and the penetration of Western capitalism to the most distant reaches of the Muslim-majority world [Eickelman, 2000–2001:389].

Such a rapidly changing context is one which young European Muslims are experiencing. While they are doing some of the exploration on their own, over the 1990s, they have increasingly networked across local communities and sought for

intellectual authorities who could help them work out (note: not dictate to them) the ‘analysis of Islam and its cultural expression necessary for Islam to remain meaningful to them and to their children in turn’ as referred to in the quote introducing this study.

Expression of Legal Tradition in Europe

Among the most significant of such authorities to appear in recent years has been Dr Tariq Ramadan. A grandson of the founder of the Muslim Brotherhood, Hasan al-Banna, Ramadan is based in Switzerland where he teaches at the University of Lausanne. During the late 1980s and especially during the 1990s, he gained a widespread audience among francophone Muslims, mostly of Arab descent, in France, Switzerland and Belgium. He became a popular speaker at gatherings of young Muslims, especially student groups such as the Etudiants Musulmans de France (EMF). By the late-1990s, he had become a leading personality of reference in the middle ground of French Islam in the network around the Union des Organisations Islamiques en France. In the years of polarized debate immediately following the 1989 head scarves affair, Ramadan was declared *persona non grata* by the French authorities, but by the mid-1990s the ban had been lifted and he was a member of the Commission Laïcité-Islam established by the Ligue d’Enseignement.

This commission was an indication of the significant movement which took place in French thinking when a deeper reflection set in after the first responses to the head scarf affair had died down. The Ligue, coming out of the republican-oriented educational establishment, had been closely associated with the public defence of the French system of separation between religion and state symbolized in the law of 1905. Ramadan and other Muslim members of the Commission were widely perceived to be *intégristes*, and many had been condemned as ‘fundamentalists’ during the tense period at the beginning of the decade—a condemnation which has often continued to follow them. The project of the Commission, which completed its work in the mid-1990s, was a serious attempt to open a dialogue between apparently opposed forces. The project turned out to be a process of dialogue through which both sides were able to discover what lay behind the slogans and public positions of the other. They were also obliged to revisit their own positions in a context which was effectively new to them both and to find ways of expressing their developing views which would be understood not only by their own constituencies but also by the other. The result has been to move from a situation where the two sides had appeared as monolithically polarized opposites, to one where there is a spectrum ranging from hard-liners at either extreme—for whom the Commission process was a betrayal—to a range of positions leading into substantial overlapping and even common territory.

At a conference organized by the EMF in Paris in October 1998, Tariq Ramadan gave a keynote speech entitled ‘Religious Allegiance and Citizenship’

[Ramadan, 2001]. He started by pointing out that Muslims in France are living in an environment which has its own particular history, one which has formed the current context and one which Muslims must take seriously if they are to be able to understand and work with that context:

One cannot raise the question of religious allegiance and citizenship without being aware that in doing so one touches on a subject which, in the consciousness of people living in this society, calls to mind vivid scenes of past struggles. There is no question of leaving this out, for no one who approaches the subject while forgetting this history can understand what they are speaking of, nor to whom they are speaking; and so they may think they are understood while they are in fact using a different language from that of their hearers. *In our case, since the majority of us are actively involved in our membership of the Muslim religion, it is true that the terms of debate would not be expressed in the same way in another society.* They are so expressed in this society, and to be able to respond to a problem one must know what are the terms in which the whole question is formulated [Ramadan, 2001a: 3; my italics].

It is in the implications of the highlighted sentence in this quote that Ramadan has most often been accused of being at best ambiguous and at worst hypocritical. The accusation rests on a central misunderstanding of what he is actually doing. The link into the mainstream tradition of *fiqh* methodology represented by such thinkers as al-Shatibi is clear. The legitimacy of local custom (*'urf*) and the welfare of the Muslims individually and collectively (*maslaha*) require an adaptation of basic principles (*maqasid*) to the local context. The assertion that for Muslims 'the terms of debate would not be expressed in the same way in another society' is not inconsistent. On the contrary, it is fully consistent with the classical principle that the *fiqh* must be adapted to place and time (*makan wa-zaman*) [Saif, 1995]. A fascinating discussion on these lines has been a *fatwa* dating from approximately the same time as Ramadan's talk being discussed here. In this, Taha Jaber al-Alwani, closely associated with the International Institute of Islamic Thought (IIIT) near Washington DC, dismissed Muslim protests at the appearance of the Prophet Muhammad in a public frieze in the US Supreme Court building [al-Alwani, 2000–2001].

The other noteworthy dimension of Ramadan's discussion in this speech is the explicit reference to history, hardly surprising given the *fiqh* method being employed: it cannot work without reference to historical context. This contradicts the conclusion often made by observers of the Islamic 'revival' that the Muslim approach is ahistorical (see, for example, Tibi [1993]). This may be true of some, but it is certainly not true of the significant line of thought which Ramadan represents.

Continuing his speech, Ramadan proceeds to define Muslim identity as consisting of four elements: faith, intelligence (which means reading texts in

their context), education and transmission, and finally participatory action. The faith leads to participation. This approach to the discussion of identity allows the Muslim in France, and by extension elsewhere, to answer the question, 'Are you Muslim first or French first?' in a straightforward manner: If you speak of my conception of life, I am a Muslim; if you speak of citizenship and social affiliation, I am French. In other words, if you talk politics to me, I am a Muslim Frenchman, and if you talk to me of philosophy, I am a French Muslim. [Ramadan, 2001a:8].

Discussing citizenship, he specifically criticizes some of the ideas about community which are prevalent among Muslims. The Muslim umma is first and foremost a spiritual community

not a communitarianism to close in on itself.... We totally reject the idea of moving from community to communitarianism, which would be to put ourselves in a ghetto, to confine ourselves, not to communicate with our surroundings to demand laws specific to the place where we are, no!.... We are a community of faith with influence, not a community existing in an enclosed space [Ramadan, 2001a:10f].

The logic of this position, he says, is to reject the suggestions of those who demand that the Muslim community should act as one politically, that Muslims should vote for Muslims, that they should be entitled to their own laws. The logic is civic commitment to and participation in the society of which one is a member through citizenship. As a citizen, the Muslim takes part in the political processes and in the public debates about values. The implication here is that the separation of religion and state of the French laïcist tradition is not the same as a separation between religion and politics.

Much of the thinking which came to the surface in this speech had been developing over the previous several years, and in particular in the year immediately prior to it when Ramadan had spent a year on study leave at the Islamic Foundation near Leicester, UK. Here he had had the opportunity to discuss these questions with a number of Muslim and non-Muslim colleagues in Britain who were not in the same way rooted in the French versions of the debate on religion, secularism and citizenship. The result of this period of study was his first major work in English, entitled *To be a European Muslim* [Ramadan, 1999]. It appeared at the same time in French and is currently being translated into several other languages, including Danish.

In this work, Ramadan provides the philosophical foundation of his position, rooting it firmly in the Islamic tradition. The first two chapters are a concise introduction to the core of Islamic faith and religious practice. He surveys the central teachings and the rise of the intellectual methodologies which came to characterize the Islamic religious sciences. This is followed by a more detailed discussion of the principles of jurisprudence (*usul al-fiqh*), with the consideration of the common good (*maslaha*) taking a central place. Throughout this

discussion, he bases himself on classical texts selected from a broad spectrum of views. In the second part of the book, Ramadan applies what he has discussed in the first part to the situation of Muslims in Europe. True to the contextual method which he espouses, he starts by considering the environment in which Muslims now live:

...we can say that the environment, no matter what it is, is a space within which the Muslim should find the required milestones permitting him to act in accordance with his belief: as such, the environment is a means through which his identity can exist and flourish.

Thus, by concentrating our analysis on the essential elements of Muslim identity, we avoid the methodological mistake of reading that reality through some previously conceived concepts formulated in another time for another context [Ramadan, 1999:131].

The reference to ‘milestones’ here contrasts sharply with the radical revolt of the ‘milestones’ (*ma‘alim*) of Sayyid Qutb’s *Ma‘alim fi al-tariq* which became the key text of militant Islamist factions of the 1980s and 1990s in the Arab world.

Analysing the European environment, Ramadan asserts that, from a Muslim point of view, five fundamental rights are secured:

- (1) The right to practise Islam;
- (2) The right to knowledge;
- (3) The right to found organizations;
- (4) The right to autonomous representation;
- (5) The right to appeal to the law.

Granted, there are problems on all of these counts, but the problems do not arise out of principle but out of faulty practice due primarily to ignorance on the part of the people responsible for operating these principles [Ramadan, 1999:135–7]. The environment is, however, not only that of France or Britain or of Europe as a whole, it is also the global context— he entitles this section ‘Small village, open world’. At this point, like so many other Muslim thinkers, he finds models in the founding period of Islam to formulate new concepts which, he feels, are more helpful. He dismisses the traditional opposition of Islamic space (*dar al-islam*) versus the space of war (*dar al-harb*), but he also dismisses the more widespread view among European Muslims that Europe, because Muslims have rights, is a space of security (*dar al-aman*) or of treaty (*dar al-‘ahd*), a concept which was to be found within the Shafi’i school of law. Instead, he goes with a view that the real parallel to the present situation at the time of the Prophet was the period before the hijrah, the Meccan period, picking up the idea of Faysal Mawlawi that Europe and much of the contemporary world is a space for testimony (*dar al-da‘wa*) [Ramadan, 1999:141–3].

We are no longer, says Ramadan, in a binary world of them and us in confrontation but in a plural world in which the West and its 'relay capitals' in the South are the centre and the rest of the world is the periphery. This requires that Muslims, instead of finding foes, must

find partners who will, like them, be determined to select in what Western culture produces in order to promote its positive contributions and to resist its destructive deviations, both on the human and the environmental level. More generally, they will also have to strive to promote authentic religious and cultural pluralism on the international level. Many European and American intellectuals are fighting so that the right of civilisations and cultures to exist might be respected [Ramadan, 1999:149].

Continuing his discussion into the field of identity, Ramadan's ideas have already been sketched out above. But he proceeds into a sharp critique of some of the ideas and practices of certain Muslim communities in Europe. In particular, he regrets the tendency—he gives examples particularly from Britain—to 'live in Europe out of Europe', whereby Islam continues to find expression in traditional cultural forms: '...once again, the Message of Islam is reduced to its traditional or cultural dimension... because of a fear generated by the environment' [Ramadan, 1999:187].

Ramadan concludes with a qur'anically based argument for coexistence by 'living together in partnership'. He suggests four priorities on the way to achieving this:

- (1) intra-community dialogue requires the reassertion of what characterised Islam from the beginning, namely a pluralism of debate and practice which the social peace and stability of Europe makes possible in a way it is difficult presently to imagine in many parts of the Muslim world;
- (2) political and financial independence from the countries of origin as well as from other Muslim countries which would want to exert influence, not to mention restrict the dialogue being called for;
- (3) The choice of the rank and file, that is, moving away from top-down organisational practices and reinstating the Islamic principle of consultation (shura);
- (4) citizenship means an active participation not only of Muslims but a wider commitment throughout the nation to assert civic responsibility and participation [Ramadan, 1999:219–24].

I have devoted particular attention to Tariq Ramadan, not only because his work is interesting. He is clearly centring his analysis in Europe with the purpose of addressing the needs of European Muslims, as he sees them. But he is also significant because he is not alone. For one thing, he has an extensive audience among francophone Muslims. With the appearance of his writings in English—

he has since published a further English work [Ramadan, 2001b]—he is also gaining a significant audience among young educated Muslims in Britain and the US as well as in Scandinavia, where he led a summer course at the Department of Systematic Theology in the University of Copenhagen in August 2002.

His significance, in my view, lies in the fact that he does not attempt to break with the main stream of the Islamic tradition, especially not with the centrality of shari'a, unlike a number of Muslim intellectuals who are better known in the west. The social and cultural nature of the Muslim communities of western Europe and the traditions they have brought with them from their countries of origins, with the central symbolic role of the shari'a, mean that only by addressing them within the terms of shari'a and fiqh can they be helped to find a way forward. The philosophical approach of someone like Muhammad Arkoun is interesting to a few, and probably more to non-Muslim students of Islam than to Muslims. His is a sophisticated language that speaks to the highly educated and which rejects the tradition in a radical re-reading of the source texts and the theological understanding of significance. This is a language and a discourse which cannot be comprehended in the here and now of local communities in the suburbs of industrial cities.

Ramadan's Europe-centred location and use of the Islamic traditions of fiqh are also significant in that he is not alone in claiming autonomy from authoritative centres in the Muslim world. In Britain, the late Sheikh Mutwalli Darsh could be cited as an example. Sheikh Darsh was a graduate of Al-Azhar University in Cairo and spent many years seconded to the Regent's Park Mosque in London. There, he soon became worried that the mechanistic and literalistic understandings of Islamic law, which were widely prevalent among the Muslim communities, were a real threat to the well-being of the community, especially when some of those simplistic concepts were being imported from detached and uncomprehending foreign sources. Darsh was not a philosopher, rather a practising *faqih* concerned for ordinary people struggling with practical questions of daily life, in particular young women being pressurised into unwanted marriages or abandoned by unfaithful husbands. He became a regular writer for the Muslim youth magazine, *Q-News*, and the *fatwas* which he wrote were published after his death [Darsh, 1997].

A number of Muslim magazines published by young people in the language of their country of residence and citizenship increasingly reflect this desire and need for Islamic guidance which is relevant and responds to their own practical situations. I have mentioned *Q-News*, which is probably among the most well-known, also outside Britain. But one could also take as an example the Swedish magazine, *Salaam*. The magazine has appeared, not always regularly—it runs on a very tight budget—since 1986 [Otterbeck, 2000]. In his study of the magazine, Jonas Otterbeck concluded that its location was to be found in the broad universal Islamic debate of the Islamic movement: the trends arising out of the Muslim Brotherhood and the Jama'at-i-Islami. He rejected the idea that there was any evidence of a specifically Swedish Islam appearing. The material he presented in

his study would certainly seem to support such a conclusion. However, the editorial choices as to what topics to pay attention to could also be argued to represent the first step on the way to locating themselves in the local context. To the question of whether *Salaam* represents the appearance of a Swedish Islam, a more appropriate response might therefore be: not yet. This is, I think, supported by the inclusion of the writings of Tariq Ramadan in the magazine after he started appearing in English—*Salaam* did not use French texts—soon after Otterbeck's study was completed.

Experience of Sufism in Europe

But there is, of course, also another side to the Islamic awareness which has been growing among young Muslims born and brought up in Europe, namely, that which is usually associated with the Sufi tradition and its 'orders', or *tariqas*. Sufi *tariqas* are, in many respects, unique communities, in the characteristics of their social organization and theologies and in their ability to adapt to different cultural contexts. Integrating the theosophical and esoteric with the social and political, many *tariqas* have played a significant role in Muslim societies [Gilsenan, 1973; Lindholm, 1996 *passim*]. In Europe and North America in recent years, the Nazimi or Haqqani *tariqa* has attracted particular attention.

This *tariqa*, led by Shaykh Nazim al-Haqqani, traces its origins to a branch of the Naqshbandiyyah in Dagestan, where it functioned essentially as a regional Sufi cult. Previous research into this particular *tariqa* has focused mainly on particular geographical contexts, especially the UK [Kose, 1994; Atay, 1994], Lebanon [Habibis, 1991] and the US [Nizami, 1991; Freidberg, 1994]. The recent extensive international networking of the *tariqa* has demanded a greater focus on the interactions of its local contexts and additionally on the role of networking via the Internet. The current shaykh has particularly succeeded in contextualizing the *tariqa* in its diverse situations while maintaining traditional elements as a focus of its identity.¹ The British experience of the *tariqa* can serve to illustrate a significant alternative option to the shari'a-based one of Tariq Ramadan.

Within the Sufi traditions of Islam, the Naqshbandi *tariqa* is one of the largest. Arising out of the teachings of the founder Khawa Baha' al-Dîn Naqshband (d. 1389 CE), buried outside Bukhara in present-day Uzbekistan, the Naqshbandis attracted large followings particularly among Turkic peoples in Central Asia and the Ottoman Empire, in the Indian subcontinent and in south east Asia, becoming the dominant *tariqa* in some areas. The Haqqani branch was founded by Shaykh Nazim al-Qubrusi al-Haqqani. Born in Cyprus in 1922, he was initiated by the Naqshbandi shaykh 'Abdallah al-Daghistani (d.1973) in 1945 in Damascus. He spent the following years travelling around the east Mediterranean where he attracted followers in Lebanon, Syria and Jordan. A year after al-Daghestani's death, Shaykh Nazim went to Britain, and it is usually from this time that his Haqqani branch is dated.

In Britain, Shaykh Nazim soon started attracting a number of followers of various ethnic backgrounds including a number of white converts. Shaykh Nazim continued to make regular visits, usually during Ramadan. These visits, his relaxed attitude to the presence of both women and men in his meetings and to the performance of the seasonal rites attracted followers who sought to set up local groups around the country. Of these, the two in Birmingham and Sheffield have been the most significant.

Due to occasional factional splitting, the Birmingham group has had a succession of leaders and locations. The group has become almost exclusively South Asian in membership which most probably accounts for the fact that women's groups usually meet separately. The core membership of about 20, mostly young men, is supplemented by much larger numbers, particularly from the extended families of the core members, when Shaykh Nazim himself visits. During such meetings, there are usually reports of significant numbers of new followers declaring their adherence (giving *bai'a*). In the early years, the group attracted members of other tariqas, but since the appointment of a young leader in 1996, it has mainly attracted young men of South Asian origin new to Sufism. The group has thus become more of a youth movement with subsequent political radicalization and suspicion of the motives of the project.

The Sheffield group is based around a property whose purchase was arranged by Shaykh Nazim. Much of the internal dissent in the group is attributed to disagreements over its administration and use with the consequence that various sections meet separately for their own *dhikr* (recollection of God's name). The Sheffield group has remained ethnically mixed including South Asians, Turks and white and Afro-Caribbean converts. The different internal groupings tend also to coincide with these ethnic distinctions. A predominantly Pakistani-origin male group meets Fridays for a closed weekly *dhikr* led by a white convert, while another group, mixed in both ethnicity and gender, holds open meetings on Sundays. The latter has good relations with the UK John Bennett group and holds an annual joint meeting with a Sheffield-based neo-shamanic group. This group is oriented towards alternative forms of spirituality with recent connections to Glastonbury (see below).

The London part of the *tariqa* consists of followers from Turkish, South Asian and western convert background. Only a few of the original followers of Shaykh Nazim remain with the group, some having become quite strong opponents, in part due to the failure of Shaykh Nazim's early predictions of the coming of the *mahdi*. The London group is fragmented with several senior *khalifas* (deputies), each leading their followers in separate *dhikr* meetings. The whole group only comes together when Shaykh Nazim visits. The looseness of the UK network has given Shaykh Hisham, a son-in-law in the US, an entrée to claim overall authority, a claim which he was beginning to assert over the whole of western Europe in the late 1990s. It also has allowed the appearance at least twice of 'false shaykhs' claiming authority from Shaykh Nazim. Both sets of claims have

been rejected or ignored by the majority of followers; the Internet was the main medium by which the 'false shaykhs' were exposed.

In February 1999, Shaykh Nazim visited Glastonbury. Recognising Glastonbury as the 'spiritual heart of Britain', he instructed a leading female follower to move there to establish a group. She opened a 'Sufi charity shop' and the locality started to attract a number of followers. By early 2001, 20 *murids* (seekers of the path) live in the town and attend weekly *dhikrs*. One series, monthly on Sundays, was being led by the leading London-based shaykh and attracted followers from London and Sheffield. Another group was meeting weekly on Thursdays but its legitimacy was contested. In both cases, attendance by 'Pakistani brothers' is discouraged. The talks at the monthly meeting tended to minimize explicitly Islamic language, preferring the vocabulary of 'energy', 'breathing in light' and 'taking in the Divine', more often associated with new age movements. In November 2000, the first public 'whirling dervish' performance was held (a form of *dhikr* traditional in the Mawlawiyya (Mevlevi) *tariqa*), apparently on the authority of Shaykh Nazim, which was particularly appealing to new recruits. The use of the Mawlawi 'whirling' *dhikr* provoked some internal discussion, and its use was soon restricted to Glastonbury.

Early in 1999, Shaykh Nazim started to relate his teaching on the coming of the *mahdi* to events expected later in the year and into 2000, especially in the computer world, namely, the two date issues of 9.9.99 and, above all, the Y2K 'bug'. Other events were integrated, such as the earthquakes in Turkey and Greece and the solar eclipse across Europe. There was talk of followers going to Damascus or Lebanon to await the 'end days', or at least leaving the towns for the countryside. When nothing untoward happened, many followers became disoriented and refused to discuss the subject with the researcher. Shaykh Nazim himself remained in seclusion at his home in Northern Cyprus until August 2000 when he resumed his travels to Lebanon, Syria, the US and elsewhere. The explanation most often given for the failure of the predictions is that God was persuaded by Shaykh Nazim's prayers to have mercy on humanity.

A key question which most strikingly arose out of this research was the nebulous nature of 'membership' of the *tariqa* or the 'following' of the shaykh, giving rise to very different assessments of the size of the *tariqa*. Fieldwork and other accounts regularly confirm the ease of expressing adherence (*bai'a*) to Shaykh Nazim. This contrasts sharply with most other Sufi groups, including others in the Naqshbandi tradition. Most departures go unnoticed, often in the sense also that someone who has given, or is said to have given, *bai'a* does not follow up that initial contact and is no longer seen in connection with the *tariqa*.

Our conclusion is that 'membership' of the *tariqa* is best conceived of as consisting of three circles. The first is the committed *murids* who consistently take part in the regular meetings for *dhikr*. A second, much larger, circle is composed of those who attend functions only on special occasions, such as the major festivals. It is at its largest when Shaykh Nazim is present. A third circle, much smaller, is more difficult to identify, consisting of those individuals who

look to Shaykh Nazim as some kind of spiritual model or guide without taking part in the collective activities of the *tariqa*. All of these, including the third circle, will at some time or other have given *bai'a* to Shaykh Nazim. The claims of spokespersons of the *tariqa* to large 'membership' numbers seem to be based on either the total numbers of these participants or a cumulative total of those who have given *bai'a* at some time; both calculations are impressionistic and large. In assessing the impact of Shaykh Nazim overall, one also has to take into account the widely held respect in which many Muslims hold 'holy men', men who are somehow regarded as being 'touched by the sacred'. Many people attending large public meetings to hear Shaykh Nazim cannot necessarily be counted as followers but are rather an expression of this respect.

The question of centre and periphery takes on a distinctly different character in the context of a Sufi *tariqa* such as that of Shaykh Nazim. The Haqqani *tariqa* is, in fact, surprisingly traditional in Sufi terms. Traditionally, a Sufi *tariqa* existed primarily as a local group, adapting to and taking on the character of the locality in which it was integrated. Its recruitment, membership, public profile and activities reflected the local environment. What held it together with other local groups of the same *tariqa* was certain shared teachings and rites, an expectation of hospitality when travelling and, above all, adherence to the commonly acknowledged Shaykh and his spiritual inheritance and guidance. Those contemporary Sufi groups which function coherently under a central directive leadership resemble certain modern Islamist political parties more than traditional Sufism. This traditional nature of the Haqqanis is evident both in the enormous local variety and in the central esteem given to Shaykh Nazim. As we have observed the visits of Shaykh Nazim to Britain and Lebanon, the *tariqa* only fully exists where Shaykh Nazim is. But this means that, in one reading the *tariqa* itself is the periphery while the shaykh is the peripatetic centre. At another level, however, it is clear that local references and priorities predominate and thus form a network of centres with a comparatively weak common denominator.

Conclusion

Of course, whether we are talking of a Sufi order such as the Haqqani Naqshabandiyya or of a shari'a-centred evolution of European expressions of Islam, we are dealing with a phenomenon in flux. The continuance of such contextualized developments is contingent on local situations and local developments. The first significant change of generations is still under way among Muslim communities where the immigrant parents and grandparents retain major influence at home and in organizations. The speed of the change associated with the rise of new generations depends on several factors. For one thing, for example, it is running a decade earlier in Britain than in many other countries for the simple reason that the process of family reunion here started a decade earlier, as a result of the 1962 immigration act, than elsewhere where

labour immigration was only stopped in connection with the economic recession of 1973–74.

But locally, also, the process of change can be slowed significantly by the degree to which reconstructed cultural tradition can be imposed on the wider community. This is in part a function of sheer size of the community: it is easier to sustain cultural tradition where a community is large enough to attain a degree of social and economic autonomy. So it is easier to preserve the cultural tradition among, say, Kashmiris in Birmingham than among Moroccans in Trowbridge. This is also an issue of class, educational success and involvement in the wider labour market. The degree and speed of the kinds of contextualization, which Ramadan and the Haqqanis each in their own way represent, is therefore likely to be greater among the Moroccans on Trowbridge and the professional and trading Gujaratis who came to Birmingham from East Africa than among the Bangladeshis in the Midlands and London.

The centre-periphery shifts which are taking place in this continually changing situation are complex—and any conclusion reached today is likely to be out of date within a very few years. Taking the two examples used in my discussion, I conclude that the shifts are actually taking place at two interrelated levels, within each of which there are likely to be further complexities which will have to be explored by others. Central to this process is the relation between Islam and cultural traditions. At one level, it seems clear that it is the cultural aspect whose centre is weakening, although to varying degrees and at varying rates depending on local contexts and trajectories. The normative power of the reference to the cultural tradition of the country, nationality or region of origin is losing its impact. Origin, which as late as the 1980s was usually the ‘centre’, must now compete with other claimants to that role. Such other claimants include the new countries or localities of residence, whose complete victory in the contest would amount to assimilation. But another crucial claimant to being the normative centre of reference is Islam, which is where the second level of the process comes in. The question that arises then is what kind of Islam.

The response that ‘there is only one Islam’ is not helpful but is characteristic of one part of the spectrum, namely that for which the centre is somewhere out there in Islamic movements who claim universality for one particular understanding of a ‘puritanical’ Islam, one which claims a decultured Islam or—perhaps more accurately—a universal culture determined by Islam. An irony arises from the scholarship which suggests that that Islamic trend is itself deeply contingent on a particular historical and regional context. Historically it is a contextualized Islam which becomes absolutist in being exported to and imposed on Muslims in very different contexts. I would suggest that what we are seeing in the two examples I have paid attention to is a reassertion of the main stream of Muslim historical tradition. The centrality of shari’a and *tariqa* is asserted, but in both cases very consciously localized and contextualized, so that centre and periphery are no longer defined by geography, institutional or ideological

adherence but by reference to the authorities of text, spiritual models and intellectual methodologies.

NOTE

1. This discussion of the *tariqa* led by Shaykh Nazim is based on the findings of an ESRC-funded research project entitled 'Ethnicity, Politics and Transnational Islam: A Study of an International Sufi Order', which I led from October 1998 until March 2001. Fieldwork for this project was conducted in Dagestan and Lebanon as well as in Britain.

From Jurists' Law to Statute Law or What Happens When the Shari'a is Codified

RUDOLPH PETERS

Introduction

Since the middle of the nineteenth century, the position of the shari'a in most Middle Eastern legal systems has changed drastically. In this essay, I want to explore this change and examine how the relationship between the state and the shari'a developed, focusing on the Ottoman Empire (including Egypt) and its successor states. Central to my analysis will be the question of who controls the production of shari'a norms, or, in other words, who has the authority to formulate the rules of the shari'a.

In the first part, I will discuss the position of the shari'a in the premodern period focusing on its religious character and its relationship with the state. Then I will move to the second half of the nineteenth century and go into the notion of codification and the changing role of the state. In the third part, I will analyse the present-day role of the shari'a. I will argue that the subject matter of the shari'a, codified or uncodified, has been politicized and has become very much a prominent issue in the public debate.

The Nature of the Shari'a and *Fiqh* in the Pre-Modern Time

The Shari'a as Religious Law

Unlike modern Western law, the shari'a is not regarded as an expression of the will of the state, but of God's will. The classical texts define the shari'a as: 'The rules given by God to His servants as set forth by one of the prophets (may God bless them and grant them salvation).'¹ A swift glance at the table of contents of the average legal textbook shows that they begin with purely religious topics like ritual prayer and fasting, before embarking on the discussion of the issues that are legal in the Western sense of the word, such as the contract of sale, legal capacity, succession and criminal law. The shari'a is, therefore, religious law, but this does not tell us very much. There are many different types of religious law. We want to say something meaningful about the shari'a as religious law,

and we must be more specific and define its religious character. This, I would argue, consists in two features: the fact that the basis of its validity is God's will and the fact that the shari'a also contains rules of a purely religious character.

In order to inform Mankind of his commands, God, according to Muslim belief, has sent down revelations to successive prophets, the last of whom was Muhammad. To him the Qur'an was revealed. After his death, the contents of the Qur'an were supplemented by his exemplary behaviour, the Sunna, as transmitted by later generations of Muslims and compiled in the hadith collections. These are the divine sources of the shari'a and, therefore, the foundation of its validity. This divine basis of the law may be compared with Kelsen's *Grundnorm*, the extra-legal norm explaining why laws are binding.²

A large part of the shari'a is law as understood in the West. The rules of this domain of the shari'a deal with the legal effects of certain acts or events and discuss the creation and extinction of rights and obligations between individuals and between the individual and the community. Here we find, for instance, the law of sale, of marriage, of tort, of procedure, laws that can be enforced by the *qadi* if the relevant facts can be established in court. However, the shari'a is also envisioned as a set of norms constituting the code of behaviour of a good Muslim, a guide to attain eternal bliss in Paradise. This representation of the shari'a emphasizes its religious character and focuses on the Hereafter, that is, on whether, after one's death, one can expect to be rewarded or punished for certain acts. This is done by classifying them into five categories (obligatory, commendable, indifferent, reprehensible and forbidden) indicating their effects as far as reward and punishment are concerned. For instance, performing an obligatory act results in reward, whereas neglecting it will be punished. This applies not only to purely religious obligations, but also to legal ones, such as the obligation to pay one's debts. This part of the law falls outside the *qadi*'s competence. It is the exclusive domain of the *mufiti*, the legal expert whose guidance is sought by individual Muslims in matters of the shari'a, but whose opinions are not binding, unlike the sentences pronounced by *qadis*.

The following passage, taken from a seventeenth-century legal handbook that was popular in the Ottoman Empire may help elucidate the double-sided character of the shari'a:

It is not reprehensible to lease out a house in the countryside (that is, in a village) if it will subsequently be used as a Zoroastrian temple, a church or a monk's cell, or if wine will be sold in it...(at least according to the Imam [Abu Hanifa (d.767)], because the lease confers the right to use the house and there is no sin in that. The sin is related to acts committed by the lessee of his own accord. That means that the relationship [between the landlord and the sin] is interrupted, just like in the case of the sale of a slave girl...to a person who wants to have anal intercourse with her, or the sale of a young slave to a homosexual.... According to his companions [al-Shaybani (d.805) and Abu Yusuf (d.798)] *it is indeed reprehensible* (to

lease a house for such a use, because it promotes sin. The other three imams are of the same opinion.... *There is agreement [among the imams] that such a lease is reprehensible in a village or a region inhabited mainly by Muslims.*³

Here the authors discuss an aspect of the law of lease. However, their concern in this passage is not whether or not under the given conditions such a contract is valid and binding, but whether a Muslim who concludes such a contract will be punished in the Hereafter because it is religiously reprehensible.

The Shari'a as Jurists' Law

A second feature of the shari'a is that it is a jurists' law and that the jurists, and not the state, had the exclusive authority to formulate the rules of the shari'a. They did so in a scholarly, academic debate, in which conflicting and often contradictory views were opposed and discussed. Actually, we must use a more precise terminology and distinguish between the shari'a and the *fiqh*. If the shari'a is God's law, the *fiqh* is the scholarly discipline aimed at formulating the prescriptions of the shari'a on the basis of the revealed texts and using various hermeneutic devices. What we find in the *fiqh* texts is the jurists' approximation to the divine law. Because of differences in understanding the texts and in the use of the hermeneutical tools, the shari'a as laid down by the jurists is not uniform.

From the beginning, there were differences of opinion that resulted in the emergence of different schools of jurisprudence (*madhhab*, plur. *madhhahib*), that ascribed their doctrines to and derived their names from famous jurists from the eighth and ninth centuries. Controversies did not only exist between these schools, but also among the jurists of one single school, even on essential legal issues. The following passage, taken from the same Ottoman handbook, discusses the various opinions within the Hanafite school of jurisprudence on the question of whether a woman who is legally capable, may conclude her own marriage contract:

Marriage concluded by a free woman...of full legal capacity (irrespective of whether or not she is a virgin) is valid (even if such a marriage is concluded without the consent and presence of a matrimonial guardian. This is the authoritative opinion of Abu Hanifa (d.767) and Abu Yusuf [d. 798]. This is so because she disposes of something to which she is exclusively entitled by being sound of mind and of age. For this reason she is entitled to dispose of her property and the principle here is that whoever may dispose of his property by his own right may conclude his own marriage and whoever may not [dispose of his property by his own right], may not [conclude his own marriage].... According to the other madhhabs marriage cannot be concluded by a woman.... However, the marriage

guardian (that is anyone of them as long as no one has given his consent) *is entitled to object [to such a marriage]* (that is he has the power to submit it to the judge for annulment.... The annulment is only effective by a judgement of the court since it is a matter of appreciation. Until such a judgement is pronounced the marriage is valid and the spouses inherit from one another if one of them should die before the judgement.) *If the husband is not her coequal (kuf')* (This is to avert damage and disgrace. If one of the matrimonial guardians has approved of the marriage, those who stand in the same or in a more distant degree [to her] cannot object anymore. This right [of objection] continues until she gives birth.... This rule can be found in most authoritative works. However, according to a less authoritative opinion this right of objection continues even after she has given birth to several children....) *Hasan ibn Ziyad [d. 819] has reported from the Imam [Abu Hanifa] that it is not valid* (that is that such a marriage is not valid if she marries herself without a matrimonial guardian to a man who is not her coequal. Many of our scholars have adopted this rule since many cases are not submitted to judges.) *and Qadikhan [d. 1196] has issued fatwas according to this opinion.* (This opinion is more correct and cautious and therefore preferable for fatwas in our days because not every matrimonial guardian is proficient in litigation and not every judge is just....) *According to Muhammad [al-Shaybani, d. 805] such a marriage is concluded conditionally* (that is, subject to approval by the matrimonial guardian) *even if the husband is her coequal* (If a marriage is contracted conditionally this means that before approval sexual intercourse is not allowed, that a repudiation is void and that they do not inherit from one another....)⁴

Here we see that within the Hanafite school of jurisprudence there are three conflicting rules with regard to the marriages of a legally capable woman concluded on her own accord. According to one opinion, she is fully entitled to do so, except that in case of a misalliance, her agnatic male relatives may petition the *qadi* for an annulment. A second opinion holds that such a mis-alliance is *per se* invalid, whereas according to the third view, all marriages concluded by legally capable women need the ratification of their marriage guardians.

This passage, which could be replaced by many other ones, is typical of the books on Islamic jurisprudence. They juxtapose different opinions on the same issue and it would appear that the legitimacy of dissent is one of the essential characteristics of the *fiqh*. There are several classical works of comparative *fiqh* in which the controversies are discussed and explained in terms of different interpretations of Qur'anic texts of Prophetic sayings, or the application of different hermeneutical tools.

As illustrated by this passage, *fiqh* texts do not resemble law codes. They contain scholarly discussions, and are, therefore, open, discursive, and contradictory. This discussion is the monopoly of the religious scholars, the *ulema*.

Because of their religious training they have the prerogative of formulating the law on the basis of the revealed texts. Although in the early history of Islam, this prerogative was contested by the rulers and state officials, the ulema ultimately emerged victorious.

The most important ideological device that they used to keep the state authorities at bay, was the idea of the closing of the gates of *ijtihād*. With the institutionalization of the schools of jurisprudence, the freedom of the jurists adhering to them was restricted. They regarded themselves as being under the obligation of following the views of the founders of the schools. Gradually, over the centuries, this idea developed into the notion that jurists had to abide by the *madhhab* doctrine in all its details and were not allowed to formulate new opinions. This is called the obligation of *taqlīd*, the acceptance of a doctrine without questioning its bases. In the nineteenth century, both Muslim and Western scholars criticised this notion and blamed it for the stagnation and weakness of the Islamic world. However, recent research has shown that behind that façade of *taqlīd*, the law did change under the impact of social and political developments.⁵ Moreover, they failed to see its political and legal functionality. For one, the obligation of *taqlīd* could be used by the scholars to prevent state interference with the shari'a: if the jurists, who had been trained in jurisprudence and the related religious discipline were not allowed to interpret the sources of the law and formulate new views, this was *a fortiori* the case for state officials. Thus, the religious scholars could preserve their monopoly of formulating the shari'a. The obligation of *taqlīd* also had practical advantages: it provided a certain amount of legal certainty and predictability, which would not exist if all judges and practical lawyers were entitled to formulate and apply their own interpretations of the revealed texts.

Sharia and the State: Law Enforcement

The shari'a, like Western legal systems, leaves the enforcement of the law to the state. But how could the legal doctrine, or the normative repertoire of the *fiqh*, in which on one topic often contradictory opinions were juxtaposed, function as positive law? This would require a transformation from legal doctrine to law of the land. In this transformation, both the head of the state and the judiciary played a role, but these roles could vary from time to time and place to place. On the one hand, the head of state may content himself with creating a judiciary and leave the details of the application to the *qadis*. This means that the *qadi*, in adjudicating cases, has a great deal of discretion in selecting rules and even can use *ijtihād*. On the other hand, the head of state may limit the *qadi*'s discretion by codification, thus instructing him to follow specific opinions from the doctrine. I will return to that later. For now, it suffices to say that the Ottoman Empire followed some sort of middle course: the Ottoman *qadis* were obliged to follow the most authoritative opinion of the Hanafite school.

In order to determine the most authoritative opinion, the founding fathers of the Hanafite school of jurisprudence were assigned a ranking: An opinion of Abu Hanifa would have the highest score and be more authoritative than the opinion of any other prominent Hanafi jurist. Next came Muhammad al-Shaybani, then Abu Yusuf, etc. With regard to certain topics, the sultan, for practical reasons, would reverse the order and impose another, not so authoritative Hanafi provision. The sultan was entitled to do so because he could give instructions to the *qadis* when appointing them and thus limit their jurisdiction. If a *qadi* would act against these instructions, the sentence pronounced by him would be null and void and not enforceable. All this is strictly in agreement with the classical doctrine regarding the position of the judiciary: judges are not independent from the executive, but subordinated in the sense that the sultan would determine the limits of the *qadi's* jurisdiction. This he could do specifying the type of cases that the *qadi* could adjudicate, by imposing certain opinions within the doctrine that the *qadi* had to follow, or limiting the period during which claims could be brought to court. Through these instructions, a well-defined body of specifically Ottoman Hanafite law developed through which the sultan could control the *qadis'* adjudication.⁶

Codification of the Shari'a

The notion of the shari'a as religious, divine law, monopolized by the *'ulamâ* would *prima facie* seem to be contradictory to and incompatible with the existence of state enacted law. However, this was not the case, at least not in the Ottoman Empire. As from the fifteenth century, the sultans began to enact regulations (*qanun*) dealing with land law, fiscal and criminal law. They supplemented the shari'a where the shari'a was silent or did not give precise rules. This legislation, however, was regarded as part of the Islamic legal order and not as being in conflict with the shari'a. The enactment of these codes did not imply that the state had the monopoly of law-making, nor that state enacted law was of a higher order than other types of law.

Codification, however, is based on an altogether different concept, for codification presupposes that the state enacts legislation that completely regulates a certain domain of the law with the exclusion of other types of law (unless the codification itself confers force of law to such other types, like in the case of custom). Codification, therefore, implies that only the state determines what law is and that state law is the highest form of law. This notion of codification has its origins in the continental civil code tradition of the early nineteenth century.

In the Ottoman Empire, codification began in the second half of the nineteenth century. During the Tanzimat period (1839–76), the ideas on the relationship between the state and the law had begun to change. Tanzimat reform was very much administrative and legal reform and legislation became one of its most

important instruments. The first reform decree, the *Gülhane Rescript* (1839), emphasizes the importance of legislation:

In order to better administer the Sublime Empire (*Devlet-i 'Aliyye*) and the Well-Protected Dominions (*Memalik-i Mahruse*), it is deemed necessary and important to enact some new laws. The most important provisions of these indispensable laws consist of more personal safety, of a better protection of honour, decency and property, of fixing the taxes and specifying the way of drafting the required soldiers and the period of their service.⁷

Legislation was not only an instrument of reform, but also of centralisation and legal unification. Under the influence of Western, continental, constitutional notions, the Ottoman ruling elite became convinced of the necessity of codification of all domains of the law, so as to emphasize that the state should determine what the law of the land is. As a consequence, codification was not only used to introduce Western law codes (for example, the Commercial Code of 1850, the Penal Code of 1858), but also to modernize existing law. Examples of the codification of traditional law are the Penal Codes of 1840 and 1851, the Land Law of 1858, the *Mecelle* which is the Ottoman Civil Code based on Hanafite *fiqh* enacted between 1868 and 1876, and, finally, the Code of Family Law (*Hukuk-i 'Aile Kararnamesi*) of 1917. Behind this movement was the Western notion that traditional law, as found in the various books of *fiqh*, in administrative practices and in custom was 'chaotic and inaccessible' and that 'codification is civilization'. The need for codification was especially felt when new courts were established in which not all judges had a training in Islamic jurisprudence:

Islamic jurisprudence, then, is an immense ocean and in order to find solutions for problems by bringing to its surface the pearls of the topics required [for solving the problems] needs an enormous skill and mastery. And especially for the Hanafite *madhhab*, there were, in subsequent generations, very many independent interpreters (*mujtahid*) and there emerged many controversies so that Hanafite jurisprudence, like Shafi'ite jurisprudence, has branched out and become diverse to the extent that it cannot anymore be examined carefully. Therefore it is tremendously difficult to distinguish the correct opinion among the various views and to apply it to the cases. ...Therefore, if a book on legal transactions (*mu 'amalai*) were to be composed that is easy to consult being free from controversies and containing only the preferred opinions, then everybody could read it easily and apply it to his transactions.⁸

During the same period, there emerged also semi-official codifications, that is, private compilations of the rules of the shari'a in a certain field, arranged in

sections like law codes and presenting these rules in a conveniently arranged fashion so that they could be used as easy reference tools for legal practitioners. In Egypt, Muhammad Qadri Pasha, former minister of justice, published in the 1870s compilations on family law, law of property and contracts and waqf law.⁹ These compilations had a semiofficial status in those fields of law that continued to be governed by the shari'a after the reforms of 1883, when French civil, commercial, criminal and procedural law was adopted. In the Ottoman Empire, Ömer Hilmi, a former president of the Court of Cassation composed an authoritative compilation of the law of homicide and personal injury, a part of criminal law that was still enforced by the shari'a courts.¹⁰

If one compares the *fiqh* texts on a certain legal issue with the codified provisions, the differences are striking. As I said before, the *fiqh* doctrine is jurists' law and the *fiqh* texts are discursive and include various, often conflicting opinions on the issue. They are open texts in the sense that they do not offer final solutions. Provisions of a law code, on the other hand, must be authoritative, clear and unequivocal. In a law code there is no room for contradictory opinions or argumentation and its provisions must be definitive and final. Therefore, choices have to be made when codifying the shari'a. This will become clear when we compare the codified provisions of the Hanafite doctrine regarding the marriage of a legally capable woman with the *fiqh* text on the same subject quoted above.

Muhammad Qadri's compilation (ca.1875):

...If [a free and legally capable woman] concludes a marriage with someone who is socially her inferior (*ghayr kuf'*) without her agnatic guardian's express consent before the marriage, then that marriage is *per se* invalid and the guardian's consent given after the conclusion of the marriage is of no avail. If she has no agnatic guardian and marries herself to a person who is socially her inferior or if her guardian has consented to her marriage with a socially inferior man, then the marriage is valid.¹¹

The Ottoman Code of Family Law (1917):

If a woman of full age marries herself without informing her matrimonial guardian and without having obtained his consent, then the matter must be examined. If she has married herself to a person who is socially her equal, then the marriage is binding even if the bride price is less than her proper bride price. However, if she has married herself to someone who is socially her inferior, then the guardian can have recourse to the judge for rescission of the marriage.¹²

Both sections contain clear and unequivocal legal rules. The dissenting opinions that existed in the *fiqh* doctrine have been excised, in order to produce one authoritative, final statement of the law. But, if we read that sections carefully, it will be apparent that the authors of these texts have made different choices.

Muhammad Qadri Pasha followed the more conservative view, attributed to Abu Hanifa by Hasan ibn Ziyad, which was the prevailing view in the Ottoman Empire. The Ottoman legislator of 1917 followed another authoritative Hanafite opinion, also ascribed to Abu Hanifa, that was more favourable to women. These two texts clearly illustrate the effects of codification: the transformation from a scholarly discourse in which different and opposing opinions are juxtaposed to an authoritative, definitive statement of the law, purged from all alternative views. But this is not the only effect. The adoption of the Western concept of law code also means the adoption of the Western concept of law. As a result, the religious norms are also eliminated from the shari'a codes. Codified shari'a, then, is no more than a thinned out version of the rich *fiqh* doctrine.

When states during the second half of the nineteenth century took the power to define the shari'a, the role of the *'ulamâ* did not end completely. Their co-operation was essential in order to legitimize the state-enacted shari'a codes. But more importantly, they were needed for their expertise. This explains the pivotal role of men like Ahmed Cevdet (1822–95) in legal reforms. Trained as religious scholars and having an open eye for reform, they staffed the committees that prepared the codification of the shari'a. The necessary participation of the *'ulamâ* limited in practice the freedom of the state in codifying the shari'a. They had the power to refuse to participate if the state would enact laws that they would regard as repugnant to the shari'a. Such a step would greatly undermine the legitimacy of codifications of the shari'a.

Who Has the Authority to Define the Shari'a Today?

In the course of the twentieth century, most legal systems in the Middle East were westernized, by the adoption of Western substantive and adjective laws and Western notions of law. However, in most national legal systems, the shari'a still had a role to play. This role varies and we can classify these legal systems in four types according to the position of the shari'a in it:

- The completely secularised legal systems, from which the shari'a has been removed. The Turkish system is the prototype of such a legal system. One has to bear in mind, however, that the shari'a, especially in rural areas, for a long time and even still today, is important at the unofficial level, for example, in the infrajudicial settlement of all kinds of conflicts.
- The legal systems that are dominated by the shari'a, which means that the shari'a is the law of the land and that state legislation can only take place in areas where the shari'a is silent or not unequivocal. This is the case in Saudi Arabia¹³ and Yemen. In the latter country, however, most of the shari'a based laws have by now been codified.
- The most common type of legal system, the one in which western law prevails, except in the field of personal status (family law, law of succession) and the law of waqf. However, nearly everywhere, the law in these fields has

been codified. In its uncoded form, shari'a rules are enforced only in Egypt, where only parts of the family law and the law of succession have been enacted as state laws and uncoded shari'a is applied on all personal status issues for which there is no enacted law.¹⁴ In some countries of this group, provisions have been introduced in the Constitution to the effect that the principles of the shari'a are the main source of legislation. This was done to take the wind out of the sails of the Islamist opposition. However, nowhere was the enforcement of this provisions more than cosmetic and did it result in noticeable changes in the law.

- Finally, there are those legal systems that have been re-Islamized. They developed out of the previous system, after Islamist regimes came to power. This re-Islamization was implemented by introducing Islamic law codes in many fields, noticeably in criminal law. This type exists in Iran, Sudan, and, to some extent, in Libya. Outside the Middle East, we find it in Pakistan and many Northern, prevalingly Muslim, states of the Nigerian federation.¹⁵

It is striking that the shari'a, nowadays, is not applied by using the classical books of *fiqh*, but via legislation. The shari'a, interpreted in different ways, has become part of a great number of national legal systems. In the field of family law and the law of succession, codification was not only a means to ascertain state control over the law and to facilitate the finding of the law for judges, but also as an instrument of reform. In these fields, states have introduced changes in the law in order to eliminate some interpretations of the shari'a that were regarded as socially undesirable. The legislators, however, went to great lengths to show that their newly enacted rules were still within the scope of the shari'a. Even in a country like Tunisia, where far-reaching reforms were introduced, such as the ban on polygamy and on extrajudicial divorce, an effort was made to show that these changes were in agreement with the shari'a.

It is even more striking that those Islamist regimes that re-Islamized legal systems (with the Taliban regime in Afghanistan as the one ephemeral exception) did so by introducing Islamic norms using modern Western legal forms. The explanation is that these states did not want to give up their control over the law and abandon it to the *'ulamâ*. Only in Iran were attempts made at incorporating the notion of the authority of the Islamic jurists (*velayat-i faqih*) into the constitution. But even here, the power to legislate is essentially vested in the parliament and the government.

As a result of the process of codification that has continued for nearly a century and a half, there are hardly any countries left where the shari'a is applied without codification. The only exceptions are Saudi Arabia, and, for a few topics of personal status law, Egypt. This means that nearly everywhere the state has assumed the power to determine what the shari'a norms are, at least in those fields that are enforced as parts of the national legal systems. This power has been withdrawn from the ulema, although they still do play some role in preparing and legitimizing legislation. Defining the shari'a became a part of

national politics, with the result that its codification varies from country to country. Of course, the doctrine of the *fiqh* regarding those topics that have been codified still exists. But only as an academic doctrine, a doctrine that by state legislation has been blocked from actual enforcement by the judiciary.

This led some, mainly Western, non-Muslim scholars to question whether this legislation can still be regarded as shari'a and as Islamic. Raising this question is, I believe, not very relevant and betrays a certain polemical point of view. By arguing that codified shari'a is not shari'a and not Islamic anymore, they want to demonstrate that the re-Islamization of the law that was introduced in some countries, was not a real re-introduction of the shari'a. In my opinion, outsiders are not competent to determine for Muslims what Islam and the shari'a is. The only correct answer would be that if Muslims hold that it is Islamic and a legitimate (albeit perhaps not the only) interpretation of the shari'a, which most Muslims do, there are no good arguments to view it differently.

As a result of the nationalisation of the shari'a, the ulema lost their time-honoured position as the exclusive guardians of the law. This affected their status in society, which had already been impaired as their economic resources, especially employment opportunities, had declined. Traditionally, the ulema had the monopoly not only of religious functions connected with the mosques, but also of education and the administration of justice. Because of this monopoly, they enjoyed a high status in society.

However, all this began to change as from the end of the nineteenth century. Because of the creation of new types of schools for the training of military officers, civil servants, doctors and engineers, the '*ulamâ* lost the monopoly of education. At the same time, their intellectual authority was challenged by some of these new professionals and by those who had come into contact with the intellectual debates in the West. This decline of intellectual status went hand in hand with a gradual decline of the economic foundations of their livelihood. Whereas originally all judges and teachers were from the '*ulamâ* class, now, after the introduction of new types of schools and the Westernization of the legal system, they had to compete with graduates of other schools. The '*ulamâ*'s intellectual leadership was not anymore unconditionally accepted. They were fiercely attacked by Islamist intellectuals, who did not unquestioningly accept the traditional interpretations of the revealed texts, propagated by the '*ulamâ*. Although most Islamist intellectuals had not had a traditional religious education, they regarded themselves as competent in this field on the strength of their knowledge of the Qur'an and Hadith, which they often understood in new ways.

This has enormously affected the discourse on the shari'a, both the codified and the uncoded parts. For, as we have seen, codified shari'a is only a section of the entire body of shari'a doctrine. Not subject to codification are the purely ritual, religious and ethical provisions of the shari'a, dealing, for example, with ritual prayer (*salat*), pilgrimage (*hajj*) and dietary prescriptions, and those rules that have a legal character but are not implemented, such as, in most countries,

shari'a private law (especially the provisions on interest), criminal and constitutional law. The rules of the shari'a that were not enforced by the judiciary, were traditionally the competence of the *muftis*, who belonged to the '*ulamâ* class and had a traditional religious training. They were the religious authorities who would counsel the believers on a specific question of the shari'a. Although there were controversies and disagreements among them, their authority was not fundamentally challenged. This however, has changed now. Many of the issues that used to belong exclusively to the domain of the muftis have now become subject to public debates, in which intellectuals without a traditional religious training also participate. During the twentieth century, intellectuals without a religious training have increasingly put their imprint on the religious debates and started to question accepted religious truths. Initially, these were intellectuals who, under the influence of western ideas, became critical of what they saw as backward religious views and practices that would block 'progress'. However, during the last decades other types of believers became more prominent in these debates. There is an increasing group of pious Muslims who argue that the traditional doctrine of the shari'a, as expounded by the '*ulamâ*, has deviated from the pure teachings of Qur'an and Sunna and only want to take these pure teachings as guidelines for their daily lives.

These developments have resulted in a situation in which defining the shari'a is not anymore the exclusive competence of the '*ulamâ*, but has become a public concern. As to codified shari'a, the debate is directly connected with national politics. Dependent on the extent to which a state has adopted democratic procedures of legislation, the shari'a codes are discussed in parliament and the media. Although the traditional '*ulamâ* still may play a role in the preparation and the 'marketing' of these codes, the ultimate decision is with the politicians. Codification of the shari'a, as well as the question of which parts of the national legal system must be immediately based on the shari'a, therefore, have become prominent and important political issues.

Since the '*ulamâ* have lost their intellectual monopoly, the legally unenforced sections of the shari'a are also publicly debated. Although this debate is less political than the discussions on the codified shari'a, it certainly has political aspects. Islamic symbols and doctrines are connected with political positions and are used to legitimize political points of view. Whether or not all existing views can be fully expressed depends, naturally, on the extent to which the media are free from government interference and censorship. There are many instances where certain religious views are not permitted to be expressed, because of the political associations of these views.

What does all this mean for the shari'a in contemporary Muslim society? The most important development has been that the authority of the '*ulamâ* has been challenged and has declined. There are now also Muslims without a religious training who can have their say about shari'a issues. Those parts of the shari'a that have been codified and are part of the national legal systems are now brought under control of the state instead of being controlled by the '*ulamâ*. This means

that it has become political and, if the structures of the state permit it, even democratized. Concerning the other aspects of the shari'a, here, too, the *'ulamâ* have lost control, although not as drastically as in the purely legal domain. The issues of the shari'a that fall outside the scope of codified law, are now debated by all kinds of Muslim intellectuals, with and without a formal religious training. These debates have not only been politicized, as I have shown before, but also, at least potentially, democratized. However, to what extent this may lead to a real democratisation depends on whether these debates are free from political constraints that block freedom of expression.

NOTES

1. See Tahanawi [1984: i, 759].
2. On Kelsen, see Kelly [1992:384–8].
3. See Shaykhzade and Halabi [1884/1301H: ii, 417]. The passages in bold print are the translation of al-Halabi's elementary textbook; the remainder is Shaykhzade's commentary.
4. See Shaykhzade and Halabi [1884/1301H: i, 320–21].
5. See Johansen [1988].
6. See R.Peters, 'What does it mean to be an Official Madhhab?' in Bearman, Peters and Vogel [forthcoming].
7. Text in *Düstur* [1865–66:2–3].
8. From the explanatory memorandum of the first book of the Mecelle (1868), *Ka ikçi* [1997: 75–6].
9. See Qadri Pasha [1909a]; Qadri Pasha [1893]; Qadri Pasha [1909b].
10. See Hilmi [1881–82].
11. Qadri Pasha [1909a: Section 52].
12. *Huquq-i 'A'ile Qararnamesi* [1917: Section 47].
13. On Saudi Arabia, see Vogel [2000].
14. For the modernization of the law of personal status, see Ebert [1996]; Beck-Peccoz [1990].
15. For the Islamization of criminal law, see R.Peters, 'The Islamization of Criminal Law: A Comparative Analysis' [1994:246–74]; and R.Peters, *The Reintroduction of Islamic Criminal Law in Northern Nigeria: A Study conducted on behalf of the European Commission*, Lagos, 2001.

6

Political Aspects of Modern Shi'ī Legal Discussions: Khumayni and Khu'ī on *ijtihād* and *qada'*

ROBERT GLEAVE

Introduction

Most western analyses of pre-revolutionary Iranian thought have utilized works of political theory as their main sources. These include works such as the lecture notes of Ayatallah Khumayni (collected and entitled *Velayat-e faqih, Hokumat-e Eslami*), the short monographs of Ayatallahs Mutaharri and Taleqani and the pamphlets and lectures of lay thinkers such as Mehdi Bazargan and 'Alī Shari'ati [Dabashi, 1992; Fischer, 1983; Abrahamian, 1993]. From these sources, an ideological map of the revolutionary Islamic movement in Iran is drawn and the various strands are identified and described. These sources provide an impression of the trends in late twentieth-century Shi'ism, and a number of commentators have accurately identified innovatory and unprecedented elements of the post-war Shi'ite intellectual discussions. However these sources represent only the most accessible end of a spectrum of writings by Shi'ite Muslim clerics in Iran and elsewhere, the intended audience of which was broader and more diverse than that of traditional Shi'ite genres of writings. The resultant analyses are often skewed by the populist nature of the sources employed. In the extensive corpus of academic literature which has been produced on the revolutionary movement, the technical, legal literature produced by clerics has been largely ignored.¹

The importance of such works in an account of developments in Shi'ite thought in the late twentieth century cannot, in my view, be underestimated. For traditionally-trained scholars such as Khumayni, Shari'atmadari, Mutaharri and Taleqani, the work of teaching students in the seminaries of Qum, Najaf, Mashhad and elsewhere, and the production of handbooks and curriculum materials for this constituency, in many ways, represents their most impressive and tangible academic output.² Works of legal theory, positive law and Qur'anic commentary were the educational diet of the students, and materials had to be provided for each level and subject of study. Since these revolutionary figures were originally teachers in a *madrassa* environment, a full understanding of the genesis and development of their distinctive theories of Islamic government cannot avoid an assessment of their contribution to the traditional sciences of *usul* (legal theory), *fiqh* (law) and *tafsir* (exegesis).³

This essay is an examination of a number of legal problems (each with obvious political ramifications) which are discussed in the context of works of legal theory (*usul al-fiqh*). Such works were written for other scholars and advanced students and, like much academic writing produced for academics, may be available to a general readership but assume detailed and technical knowledge absent in the population at large. The discussions may appear deeply uninteresting to a student of political theory. However, in my view, an understanding of the discussions such as those presented below, enables us to present a more sophisticated analysis of ubiquitous modern Iranian political doctrines such as *velayat-e faqih* (variously translated as ‘the leadership of the jurists’ or ‘the guardianship of the jurisprudent’).

Legal Theory

The origins and early development of Muslim consideration of the theoretical aspects of the law is still a debated point, in part due to the paucity of texts which predate the ninth century [Weiss, 2001; Hallaq, 1997: 1–36]. Theoretical considerations of the law—particularly the interpretation of the law from the sources of Qur’an and *hadith*—coalesced in the form of a reasonably coherent genre of literature termed *usul al-fiqh*. *Usul al-fiqh* dominated later discussions of the correct approach to the textual sources of law and a sophisticated hermeneutic of the law emerged. Works of *usul al-fiqh* followed a well-defined format, and discussed what might be termed a ‘canonical’ set of problems. These included discussion of the origin and function of language, the process and significance of revelation (both direct divine revelation—the Qur’an, and less direct means such as the example of the Prophet) and the exegetical means whereby the revelatory sources might be expanded (through analogy and other techniques) to cover new and unprecedented situations faced by the jurists. This discipline, which approximates to jurisprudence in the Western study of law, was maintained as part of the seminary curriculum through the medieval period, and in the Shi’ite world survived into the Twentieth Century, relatively untouched by the influences of modernism [Weiss, 1998].

The manner in which common concepts such as ‘truth’ and ‘knowledge’ are constructed to serve in the maintenance of authority structures has been the subject of extensive recent exposition. With regard to Islamic legal theory in the medieval and early modern periods, one recognizes an increasingly technical mode of expression (with an established, ‘exclusive’ terminology) and a detailed and complex epistemology which preserves the rights of the interpreters over and against non-experts. This epistemology is unavoidably linked to the theory of *ijtihad*. *Ijtihad* refers to the ‘effort’ exerted by an individual scholar in his search for a clear and unambiguous ruling from the sources of law. Since the legal sources, almost by design, require extensive interpretation, society requires expert interpreters. These expert interpreters perform tasks which the rest of society either do not wish to perform, or cannot perform due to a lack of skills.

The exercise of these skills by interpreters is termed *ijtihâd*, and the interpreter is the *mujtahid*. In order that the work of interpretation might continue through the generations, and the power of the interpreter thereby preserved, institutions, such as the *madrasas* of late Abbasid Baghdad, were constructed and maintained [Makdisi, 1981].

The continued need for interpreters is expressed most vividly in an epistemology which recognizes the fallibility of each generation of scholars. The *mujtahids* produce judgements as to the content of the law, but their edicts are never definitive. There is always a possibility that further investigation might shed new light on established problems. What the *mujtahids* produce is not knowledge (*‘ilm*) but personal opinion (*zann*) [Calder, 1989]. One detects, then, a theory emerging in which two principal claims are made: first, only certain persons have gained sufficient knowledge to be granted the right to carry out the interpretation (the so-called ‘conditions of *ijtihâd*’—*shara’it al-ijtihâd*); second, those persons, whilst being learned and their opinions respected, cannot claim to be in possession of the perfect, eternal law (*shari’a*), for to claim such a thing is not only religiously taboo (arrogating oneself to the position of the Lawgiver himself) but also self-defeating (for a perfectly clear and unambiguous law has no need of interpreters, merely executors).

A *mujtahid* is, in the formulaic expression of many works of *usul*, ‘one who is not permitted to act upon the opinion of another’ (*‘adam jawaz ruju’ al-muttasaf bi’l-mujtahid ila ghayrihi*). He is not permitted to rely upon another’s opinion of the law because he himself has reached a stage in his learning whereby, if he were to turn to another for advice or help, this would amount to a learned person (*‘âlim*) turning to an ignoramus (*jahil*). This, it is argued in Shi‘ite works of *usul al-fiqh*, is contrary to reason (*‘aql*, that is, it is irrational for a learned person to follow an ignoramus). A *mujtahid* may not refer to another person because, by virtue of being a *mujtahid*, he is either equal to, or superior to, all other members of society in terms of knowledge of the law. No *mujtahid* may accept the opinion of another person (*mujtahid* or *muqallid*) without first having investigated the matter and performed his own *ijtihâd*. If he then acts upon the other’s opinion, he is not, in reality, accepting that opinion. He has performed his own *ijtihâd*, and is acting on his own opinion (which by chance coincides with that of another person). The theory expressed all too briefly here was broadly common to Sunni and Shi‘i jurisprudence in the pre-modern period (though there were extensive variations in emphasis and expression within both traditions). Of all the topics discussed in works of *usul al-fiqh*, it is perhaps the development of a theory of *ijtihâd* (with its division of the community into interpreter-jurist and layperson) which has the most overt political resonance, and gives any political theory which emerges from it oligarchic characteristics.

The division between expert and layperson (termed *mujtahid* and *muqallid* respectively, though the term *‘ammi*—commoner—is often used for the latter) was prevalent in Islamic legal theory, and was employed by twentieth-century Shi‘ite jurists in their writings to justify the authority of the *faqih* (jurist) over the

populace. The authority of the *faqih*, and his power over the religious and personal lives of the populace was discussed by modern jurists under the rubric of *wilayat al-faqih* (in Arabic, or *velayat-e faqih* in Persian). The scope of the *faqih's* authority was (and is) much disputed by scholars, and opinions range from the most extensive expression of this theory (associated with Ayatallah Khomeini, and in which the *faqih* has broad oversight of political matters) to more minimalist expressions (in which the *faqih* acts as the individual guide for the believer, rather than as a general governor of the community) [Zubaida, 1982; Menashri, 1980; Hoogland and Royce, 1985; Dabashi, 1992:147–324 and 409–85].

The following analysis is based on the *usul* writings of two of the most influential Shi'ite jurists of the recent past: Ayatallah Abu al-Qasim al-Khu'i (sometimes spelt Khoei, d.1992) and Ayatallah Ruhallah al-Khomeini (usually spelled Khomeini, d.1989). Khomeini is, of course, best known for his role in the revolution of 1979 in which he was proclaimed as leader of the Iranian nation and defender of Islam. His political theory has been the subject of a number of excellent studies, based in the main on his personal declarations and the constitution of the Republic (in its various versions) in which his political will was, at least in part, manifested.⁴ Less investigation has been carried out on his writings of legal theory, in particular the transcripts of his lectures to advanced students in the Hawzeh-ye 'Elmiyya in Qum, and subsequent to his exile from Iran, in the seminaries of southern Iraq.

Ayatallah Khu'i's work in the area of legal theory is also under-researched, partly because his conception of *ijtihād* is less overtly political in tone, but also because his scholarship is both technical and sophisticated, making few allowances to those uninitiated in the terminology of legal theory. His position as a 'source of imitation' or *marja' al-taqlid* (on this institution, see Moussavi [1985]; Amanat [1988] and Sachedina [1988: 213–26]) was undisputed amongst the international Shi'ī community, and most considered him as the 'most learned' (*al-'alam*) of the scholarly community (*'ulamā*). He was himself Iranian by birth, though he spent his life teaching and writing in the seminaries of Najaf [Khu'i, 1998:1–21].

The advanced lectures for the *bahth* (or *dars*) *al-kharij* (the final stage of a seminarian's education) of both these scholars have been preserved in notes written by the most attentive of their pupils. Such notes, normally termed *taqirrat*,⁵ are often published as works attributed to the scholars themselves, though it is often difficult to distinguish the material of the collator/student from that of the scholar. For the commentator then, there must be some uncertainty as to whether the account espoused within the collected notes represents the scholar's own opinion. This concern is somewhat mitigated by certificates written by the scholar himself and printed in the introduction to each work, authorizing the publication of the work.⁶ The principal sources used in the following analysis are:

- (1) Khu'i's *Misbah al-Usul*: these are the lecture notes of Muhammad Surur al-Husayni, and the permission to publish them printed at the start of the three volumes is dated 1376 AH (1956 CE).
- (2) Khumayni's *al-Rasa'il*. This work is presented as a succession of treatises (*risala*) on topics of *usul al-fiqh*, though, as the introduction makes clear, they are the notes collected by Mujtaba al-Tihrani in 1384 AH (1964 CE), just before Khumayni's exile to Iraq.

The elements of particular interest in these works are the chapters on *ijtihâd* and *taqlîd*, presented as conclusions (*khatima*) to the general discussions of theoretical issues. It is in these discussions that an underlying political theory, expressed through jurisprudence, emerges. The following analysis contrasts the differing approaches of Khu'i and Khumayni on four issues of great political importance:

- (1) The definition of *ijtihâd* (whereby the activity which separates the scholar from the layperson is described);
- (2) The 'conditions' of the *mujtahid* (whereby the qualifications of the scholar are delineated);
- (3) The issue of the enforcement of the *mujtahid*'s ruling (*nufudh al-hukm*—in which the issue of the scholar's power to enforce his rulings is discussed);
- (4) The legal and logical problems concerning whether the opinion of the most learned scholar (*a'lam* or *afdal*) over-rides the opinion of the less learned (*mafdu'l*).

1.

The Definition of *ijtihâd*

Works of *usul al-fiqh* generally develop extensive taxonomies, whereby interpretive techniques are categorized and defined with virtuoso attention to detail. Most traditional evaluations of the quality of a work of *usul al-fiqh* revolve around the skills employed by the author in the design of his system of categorisation—the harmony and consistency of the system as a whole is evaluated, even when the reviewer disagrees with the conclusions presented in the work. With this emphasis in mind, it is unsurprising that both Khu'i and Khumayni open their examinations of *ijtihâd* with a discussion on the meaning of *ijtihâd* (and consequently *mujtahid*) and a concrete definition is produced. The aim of these discussions is to control the potentially disruptive and undermining ambiguities of both legal and 'everyday' (*'urfi*) language, where *ijtihâd* might be used in a non-technical sense. Of course, an author's definition of *ijtihâd* makes available some lines of enquiry, and shuts down others. The definition of *ijtihâd* is, then, an integral part of the author's presentation.

Khu'i's definition of *ijtihâd* is presented as a refutation of the commonly held position that *ijtihâd* can be defined as 'expenditure of effort to obtain an opinion

(*zann*) of the legal ruling' concerning a particular legal question. The problem with such a definition, in Khu'i's view, is that it implies that the *mujtahid*, in exercising his *ijtihād*, is merely aiming to arrive at an opinion. He is not aiming to discover the ruling 'in reality' (*fi'l-waqi*), but merely to obtain an opinion as to that reality. This, Khu'i argues, degrades the process of *ijtihād*. Whilst the *mujtahid* might only reach an opinion, he cannot settle, at the outset, for merely discovering an opinion. His aim must be to discover the law itself [Khu'i, 1417: 434–9].

Khu'i's definition should not, however, be interpreted as a rejection of the '*ilm/zann*' distinction outlined at the outset of this essay. Rather, it is best seen as a modification of this central dichotomy. The *mujtahid*, on completion of his *ijtihād*, can be classed as being in one of four distinct situations with regard to the Law of God:

- (1) he may know the ruling itself (*hukm waqi'i*);
- (2) he may know where the ruling is located in the sources, but be unsure as to the ruling itself. In such cases, he pronounces his judgement as the most appropriate reading of the text;
- (3) he may know that the sources indicate a particular answer to a particular legal question, but he may not be sure that this is the ruling 'in reality'. That is, he can be sure of the ruling provided by the textual sources 'on a literal level' (*zahir*), but he may not be sure whether God has made exceptions to this rule, or whether the rule has been abrogated by another ruling, or whether the ruling was issued by one of the Imams out of dissimulation (*taqiyya*)—that is, the Imam was not revealing the law 'in reality', but merely issuing a politically expedient ruling in order to avoid persecution by the Sunnis [Kohlberg, 1975]. In these cases, Khu'i argues, God has allowed the *mujtahid* as a dispensation (*tarkhisiyyan*) to proclaim and act on the apparent ruling (*hukm zahiri*), even though this might be in conflict with the actual ruling (*hukm waqi'i*).
- (4) Finally, the *mujtahid* may know that he is forgiven by God for proclaiming (and acting on) a ruling which deviates from the law 'in reality', because the sources are insufficiently comprehensive to provide the actual ruling [Khu'i, 1417:435].

In each of these circumstances, the *mujtahid* has endeavoured to find the law 'in actuality' (not to produce merely his opinion of the law). In each case, the *mujtahid* is able to proclaim a ruling to the non-*mujtahid*, even though he may have failed to find this law. The non-*mujtahid*, however, need not know in which of the above four situations the *mujtahid* has found himself. The non-*mujtahid* (normally termed *muqallid* or '*ammi*') need not be troubled by the uncertainty of the sources.

The *mujtahid* who believes he has found the actual ruling (situation 1 above) does not doubt that he has found the ruling. He does not have an opinion, but a

certain knowledge of the law. From the perspective of the Lawgiver (that is, God), however, the *mujtahid's* certainty may be misplaced. From God's perspective, the *mujtahid's* ruling is merely the *mujtahid's* opinion (that is, it is *zanni*), though from the *mujtahid's* perspective, his ruling is certain (*'ilmi*). Whether the *mujtahid* is correct in this assessment can only be discovered on the Day of Judgement. Hence, the *'ilm/zann* distinction is preserved and recognized by Khu'i, but the rulings of the *mujtahids* can only be classed in one of the two categories by God himself. In the other situations (2)–(4), the *mujtahid* may not have the same feeling of certainty with respect to the ruling itself, but he does have certainty that the ruling he has produced represents a full expenditure of his effort. Hence, whilst he does not have certain knowledge of the ruling itself, he does have certain knowledge that the procedures of *ijtihâd* which he has followed are not only the correct procedures, but that they produce rulings which one is permitted to treat as if they were the law in reality.

Hence, for Khu'i, the *mujtahid* in each of the above four situations is in a position of knowledge. The knowledge, however, refers to different things. In (1) he is knowledgeable of the ruling itself (though even here his 'knowledge' may be mistaken from the perspective of God). In (2)–(4), he may not have knowledge of the ruling, but he knows that he has followed the procedures correctly and produced a ruling which can be the basis for action. In these positions of knowledge, Khu'i asks (rhetorically):

When he [the *mujtahid*] has this knowledge, how is it possible for someone to argue that he may not act on the basis of this knowledge? —If he were to turn to another [for advice on the legal question], would this be anything other than a learned person asking an ignoramus for advice? [Khu'i, 1417: 435].

Now, Khu'i argues that one who can reach these types of certainty (either that he knows the actual ruling, or he knows he has followed the procedures correctly) deserves to be called a *faqih* (jurist). The non-*faqih* should follow the *faqih* in his ruling because Qur'an and *hadith* establish this unambiguously. The Qur'an reference is Q21.7, where the believers are commanded: 'Ask the people of remembrance if you do not know.' The person who 'does not know' is one who has neither actual knowledge of the ruling, nor procedural certainty as to his derivation of the ruling (that is, he is not a *faqih*). By implication then, the non-specific phrase 'people of remembrance' must refer to the jurists. Similarly, the *hadith* of the Prophet records his declaration that with regard to 'any *faqih* who is sufficient in himself—the people (*al-'awwam*) must follow him'. The phrase 'sufficient in himself' means, for Khu'i, one who has knowledge of his own position with respect the law (that is, a *faqih* who has performed *ijtihâd* and finds himself in one of the four situations outlined above).

A brief examination of Khumayni's discourse on these topics reveals that his position is not dissimilar to that of Khu'i. However, in his section on *ijtihâd* he

does not define the process in terms which might be recognised as within the traditional modes of discourse. The dispute over whether *ijtihâd* is the expenditure of effort to obtain an opinion of the ruling, or whether this effort is intended to uncover the ruling itself, is uninteresting to Khumayni. Whilst this omission could be attributed to a lapse in note taking by his editor,⁷ it equally gives the reader the impression that whilst this is a work of *usul al-fiqh*, it is not one which slavishly follows the dictates of the genre. Furthermore, Khumayni, confident that his (implicit) conception of *ijtihâd* will not be challenged, feels no need to enter into the niceties of debate as to the exact wording of any definition of the term. His primary aim is to describe the position of the *mujtahid*, *vis-à-vis* other members of the community, be they *mujtahid* or 'ammi. He simply states that *ijtihâd* is:

The ability to discover rulings from the sources. The possibility of doing so even if this is in fact not possible, this is the point which prohibits (someone with this ability) from turning to another for (advice over) a duty or doing *taqlîd* (the activity of the muqallid) to another [Khumayni, 1410:94].

For Khumayni, as soon as a person has obtained the ability to perform *ijtihâd*, he is no longer permitted to turn to another for a ruling, and then follow that ruling. To do so is both logically incoherent (since it amounts to a person who knows something turning to an ignoramus) and morally impermissible (as it is to abandon the duty and responsibility of a *faqih*).

While Khumayni's exposition is less sophisticated (and less traditional) than that of Khu'i, both achieve the same result: a definition of *ijtihâd* which establishes an epistemology in which the religious prerogative of the scholarly class (the *fuqaha'*) is preserved, and the duty of the rest of the population to follow them is established.

(2)

The Conditions of a *Mujtahid*

The qualifications required by an individual before they can be considered a *mujtahid* are also of interest to the student of Shi'ite political ideology. As we have seen in their discussions concerning the definition of *ijtihâd* and its relationship to juristic authority, Khumayni and Khu'i both consider the community of believers to be divided between those who produce religious edicts (the *mujtahid*) and those who are charged with simply obeying these edicts (*muqallids*). The interesting issue is where the line is drawn between these two groups and the conception of community leadership implied by this division of labour. In simple terms, the more qualifications required by a writer, the more exclusive and elitist the envisaged division of society into *mujtahid* and *muqallid* [Hallaq, 1984].

Both Khumayni's and Khu'i's definition of a *mujtahid* is, as we have seen, 'one who must not act upon the opinion of another'. The *mujtahid* is self-sufficient in his knowledge of the law and needs no adviser. However, their conceptions of the qualities required for a scholar to be labelled a *mujtahid* display significant differences.

Khu'i's is the shorter list, as he restricts the qualities of a *mujtahid* to three basic skills:

- (1) Knowledge of the Arabic language. This must be sufficient to understand the Qur'an and the Sunna of the Prophet and Imams (texts which are preserved in Arabic). The list of sub-disciplines within this linguistic knowledge are reasonably formulaic (*nahw, sirf and lugha*);
- (2) Knowledge of *'ilm al-rijal*. This science includes the investigation of transmitters of *hadith* material in an attempt to evaluate the probative force (*hujjiyya*) and historical accuracy of this material. It is required, Khu'i argues, in order that the *mujtahid* might exercise proper caution (*ihtiyat*) when decreeing that others should follow his ruling;
- (3) Knowledge of *usul al-fiqh*. Khu'i argues that this is obviously necessary for the *mujtahid*. Without mastering the exegetical skills laid out in works of *usul al-fiqh*, a person cannot deduce the rulings from the sources, and hence cannot serve as a *mujtahid* [Khu'i, 1417: 443–4].

The key issue here, of course, is the level of knowledge in each of these disciplines required by Khu'i. This is not explicitly delimited in his work, though the willingness to leave such important stipulations ambiguous certainly displays a rather amorphous conception of the community of *mujtahids*, the borders of which are disputed.

Khumayni's list of qualification of a *mujtahid* is longer, encompassing not only the above three qualities, but also five additional elements:

- (4) Knowledge of customary uses of language. This is essential for a *mujtahid*, says Khumayni, because assuming an identical use of terms in everyday speech and revelation might lead a *mujtahid* to make false judgements. It is quite possible that a word is used in significantly different ways in customary language and revelation. Not knowing when this might occur will almost certainly lead to error;
- (5) Knowledge of logic. While one need not be a master logician, one should be able to recognise the different types of logical argument in order to evaluate them in relation to rulings deduced from revelatory texts;
- (6) Knowledge of Qur'an and Sunna. The reason for Khu'i omitting this stipulation, when it would appear essential to the *mujtahid's* task, is unclear. Perhaps he meant to imply that while a scholar need not memorize all the Qur'an and *hadith*, he does need to be able to navigate his way around these texts in his deduction of a ruling. For Khumayni, this is the most important

(*ahamm*) and necessary (*alzam*) skill of a *mujtahid*, though here too, complete memorization does not appear essential. The *mujtahid* should have 'knowledge of *kitab* and *sunna* to the extent that he needs it to perform the deduction (of rules from the text), even if he refers to them at the point of deduction' [Khumayni, 1410:98];

- (7) Knowledge of how to obtain specific rulings (*furu'*) from general principles (*usul*). It is not sufficient to merely know the ideas present in *usul* works. The *mujtahid* must have demonstrated that he can put this theoretical knowledge into practice in the deduction of rulings from the texts. He should have this ability (*tahsulu lahu al-quwwa*) and 'it should be complete' (*takmalu fih*) [Khumayni, 1410: 99];
- (8) Finally, the *mujtahid* must be fully acquainted with the fatwas of the past generations of scholars:

Required is a complete understanding of the utterances of the community, particularly the earliest generations, whose method in giving *fatwas* was based on the texts of the reports [from the Imams], such as Shaykh al-Tusi⁸ in some of his works and Kulayni and Ibn Babuyah,⁹ and those who followed their method [Khumayni, 1410: 99].

As an adjunct to this final qualification, the *mujtahid* should also be familiar with the *fatwas* of the Sunnis, especially their method of resolving conflicting reports.

Many of Khumayni's additional stipulations might be collapsed into one or more of Khu'i's three stipulations. Knowledge of logic, for example, could be included in knowledge of *usul al-fiqh*, though Khu'i does not mention it explicitly as a discipline required of the *mujtahid*. Furthermore, Khumayni might set a lower threshold of expertise in these areas than that required by Khu'i. Hence, there may be little difference in the practical effects of the implementation of either set of qualifications. However, Khumayni's more detailed and extensive list exhibits a greater concern for the accurate delimitation of the *mujtahid* class. The difference between a *mujtahid* and a non-*mujtahid* has to be clearly defined and, one suspects, strictly regulated. Khu'i appears less concerned to indicate precisely who is, and who is not a *mujtahid*. The reasons for Khumayni's emphasis will become clear in the following section.

While much of Khumayni's list of qualifications is unremarkable when compared with the expressions of the *mujtahid's* qualities in Shi'ī tradition, the final stipulation ('knowing the *fatwas* of past generations of scholars, particularly those of the early generations') is of interest. Knowledge of *fiqh* (substantive law) itself was rarely included in these lists because of a logical objection. If the *mujtahid* has the power to deduce the law, and should not rely on other interpretations of the law, then how could knowledge of those interpretations be a prerequisite? To make it a prerequisite would be a *petitio principii*. Khumayni, however, does not feel the obvious force of this objection, as he requires any *mujtahid* to know the *fiqh* of the past scholars, particularly the earlier scholars (the reasons for his inclusion of this condition also become clear in the

discussion below). This indicates a certain regard on Khumayni's part for the earliest generation of Shi'i scholars, which may be accompanied by a relegation of the later generations (from the thirteenth century onward) to the a second tier. It should be remembered that the generic characteristics of the genre of Shi'i *usul* were established by the later generations, and it is these, as noted earlier, which Khumayni feels little fear in transgressing. This is further confirmed by his statement:

The student must study the utterances of the early generation, and their methods in *fiqh*...they were the founders of the art, because they were closest to the period of the Imams and many of the principles which they deduced were lost in subsequent ages, even the age of Muhaqqiq¹⁰ and 'Allama¹¹ [Khumayni, 1410:99].

Khumayni's proposition that the earliest Shi'ite scholars preserve the most accurate presentation of the Imams words has a certain Salafi (or in Shi'ite terms, Akhbari) character [Gleave, 2000:1–28]. While much of Khumayni's theory of *ijtihâd* (in particular the *mujtahid/muqallid* distinction) represents a continuation of classical Shi'ite thought, his assertion that elements of the Imams' message have been lost in the intervening period represents a break with that tradition. Khumayni appears to be marrying his employment of traditional epistemological structures with a rejection of the substantive elements of that tradition. The rejection of the thought of later jurists (an Akhbari stance), and a call for a return to the earlier texts, justifies his occasional deviations from tradition. However, the ideology of the scholar/layperson distinction (a hallmark of later, *Usuli*, legal theory) proves too tempting. The result is an unusual hybrid of *Usuli* epistemology and Akhbari historiography. It is in this manner that Khumayni's thought is innovative.¹²

(3)

Enforcing the *Mujtahid's* Ruling

For both our scholars, the qualities of a *mujtahid* described above are also the qualities of one who is able to give *fatwas*. The *mufti* (the scholar who gives *fatwas*) provides the petitioner with an answer to an individual question of law. In Shi'ite law, the *mufti* must be qualified to perform his own *ijtihâd* on the question posed to him: the *mufti* must, then, also be a *mujtahid*. The result, as Khumayni points out, is that the *mujtahid* merely acts as a *mufti* when giving *fatwas*. Gaining the rank of *ijtihâd* is seen as an 'essential', personal characteristic of the individual. One could theoretically be a *mujtahid* who never gave a *fatwa*, and therefore was never a *mufti*. Being a *mufti* is merely one of the different roles a *mujtahid* might adopt:

[From the above discussion of the qualities of a *mujtahid*] it is known that the substance of the permission to perform *ifta'* [that is giving *fatwas*] is identical with what we have just said [about *ijtihād*]. When he does his *ijtihād* and deduces the actual ruling, or the apparent ruling, then, just as it is permissible for him to act upon the findings of *ijtihād*, so it is permissible for him to issue *fatwas* to others in this regard. This is clear [Khumayni, 1410:99].

Now, a *mujtahid* giving a fatwa is quite different from a judge (*qadi*) giving a ruling. The difference lies in the 'enforcement of the ruling' (*nufudh al-hukm*). The *mujtahid's fatwa* is merely what he considers to be true (he follows it in his religious life, and he advises others who ask his opinion to follow it also); the *qadi's* ruling, on the other hand, is a declaration of what will be enforced in the community on a particular element of public policy. Traditionally the *qadi's* role was intimately linked with the operations of the state [Coulson, 1969:58–76].

Khu'i discusses whether the position of judge is established as legally valid (by reference to *hadiths* from the Imams), and, if valid, the qualities and characteristics of this judge. The principal evidence is taken from the famous *hadith* of the companion of the sixth Imam, Abu Khadija, in which the Imam states: 'Look towards a man amongst you who knows of our rulings (*shay'an min qadayand*). Set him up amongst you, for I have made him a *qadi*, and refer to him in judgement' [Kulayni, 1988:7, 412].

This report establishes the legitimacy of the role of a judge who arbitrates in community disputes. It also gives an indication of the qualities of the judge: one who knows the judgements of the Imams. Khu'i argues that a person who knows the judgements cannot be merely someone who knows what those judgements are. Rather, he is one who knows how those judgements were reached. He argues this on grammatical grounds, in that the phrase *shay'an min qadayana* implies more than simply knowing the rulings (otherwise the simple *qadayana* would have been sufficient). To know *shay'an min qadayana*, as stated in the *hadith*, implies a knowledge of both their content and their legal basis. The one who has acquired this knowledge is, of course, the *mujtahid*.

There is another well-known tradition (the Maqbula of Ibn Hanzala [Kulayni, 1988:7, 412]¹³ in which Imam Ja'far states that when there is a dispute amongst the community, the Imam has designated as judge The one who relates our *hadith* and knows what we have permitted (halaluna) and what we have prohibited (haramuna).¹⁴ Khu'i embarks on an exegesis of how the two descriptions in the two *hadiths* can be seen as proclaiming an identical message [Gleave, 2000:119–200]. The judge cannot be merely one who transmits *hadiths*, but is also one who knows of the permitted and prohibited. Having this latter knowledge is more than simply being a transmitter of *hadiths*. It implies knowing the content of the *hadiths*, and being able to produce rulings from them. This person is the jurist (*faqih*) and a *mujtahid*. In this manner, the two *hadiths*, while they differ in wording, speak with one voice. For Khu'i, the only person

permitted to take on the role of judge is a mujtahid. Khu'i, furthermore, makes it clear that this person must be a 'full-mujtahid' (*mujtahid mutlaq*). A partial mujtahid (*mujtahid mutajazzi*) is one who is expert in one area of law, but not in all areas of law. While such a person can perform *ijtihād* and produce rules which he himself should follow, he cannot, because of his limitation in learning, produce *fatwas* which others should follow. Khu'i makes the analogy with a doctor: 'A doctor skilled in eye illness is consulted on matters related to the eye, and not in matters relating to areas outside his expertise, such as illnesses of the heart or stomach' [Khu'i, 1417:442].

In the same way, for the *mufti* to issue *fatwas* on all areas of the law, he must be a *mujtahid* in all areas of the law. A person with limited knowledge cannot be a judge, as this post also requires full knowledge of the law. The conception of the judge here is that of a highly qualified, highly skilled scholar, who has passed the rank of *ijtihād* in all areas of the law. The *hadiths* of the Imams do not permit anyone other than this to become a judge. What is of interest in this account is that Khu'i never discusses the relations of the judge to the state, giving his conception of *qada'* (judgeship) an informal, unregulated ambiance.

Khumayni's discussion of the execution of the *mujtahid's* judgement differs from that of Khu'i in a number of interesting respects. He begins with the slightly provocative statement that no person, be he Prophet, Imam or scholar, may judge another simply by virtue of his status. God is the only one who, by virtue of his essence alone, can judge another. However, God can delegate to individuals the ability and the right to become a judge, and this he did with respect to the Prophet (as shown in the Qur'an), and after the Prophet, with respect to the Imams. There is no dispute over these matters (at least amongst Shi'ites). The issue which is open to dispute is whether there are such designated individuals during the occultation of the twelfth Imam. From here, the logic of necessity dominates Khumayni's argument. If God felt it necessary to designate a person to be judge during the periods of the Prophet and Imams, then, unless he considered the community to be perfected and in no need of further judges, he must have designated judges after the Imam's occultation. God could not have considered the community to be perfect, since the oppression experienced by the Imam during his lifetime prompted God to send him into occultation. Hence, God must have designated judges after the occultation of the Imam [Khumayni, 1410:101].

Thus far, Khumayni's conclusions do not significantly differ from those of Khu'i. Though his mode of argumentation (using necessity, or *darura*) may differ from Khu'i's textual approach, the conclusions are identical. Khumayni, however, embarks on a discussion missing in Khu'i's account regarding the scope of the judge's remit:

We know, by necessary knowledge, that the Prophet...perfected prophethood and completed all religion, such that all which humankind requires, even the etiquettes of sleeping and eating are provided... It is not

possible, therefore, that he neglected such an important matter as governance (*hukuma*), a matter of which the community is constantly in need. If he did—God forbid—then his law is incomplete, and this is in direct contradiction to the Prophet's final sermon on his farewell pilgrimage.... Necessity dictates then that the community (*umma*), after the occultation of the Imam, with regard to these important matters should not neglect the matter of politics and judgeship (*amr al-siyasa wa'l-qada'*).... particularly as it is forbidden to turn to illegitimate rulers (*salatin al-jawr*), nor their judges.... That which has been said that the occultation of the Imam does not obligate the community to select a politician (*sa'is*) is intellectually unsatisfying [Khumayni, 1410:101].

Khumayni argues then that who ever qualifies as judge is not merely an arbiter in community disputes, but has a political role in leading the people during the occultation of the Imam. While he has not yet elucidated who qualifies as judge, one can detect where his argument is leading.

Khumayni next turns to revelation to establish God's designated judge during the occultation. Following the above passage there is a barrage of 12 citations from *hadiths* which (according to Khumayni) demonstrate that it is the 'ulama' (the scholars) who have been generally designated as judges during the occultation. His main piece of evidence is the Maqbulah of Ibn Hanzala mentioned above, in which the Imam states 'look to one amongst you who relates our hadith, knows our halal and haram and is aware of our rulings'. The ordinary believer ('*ammi*) should choose the most just, the wisest, the most knowledgeable and the most truthful. This *hadith* is subjected to detailed, phrase by phrase analysis in which Khumayni demonstrates that the judge must be a Shi'ite Muslim (this is what the Imam meant by 'amongst you') who is a *mujtahid*.

Furthermore, the judge must be the 'most just' (*a'dal*) and the wisest (*afqah*) amongst the *mujtahids*. The *afqah* stipulation here certainly excludes the *muqallid* or '*ammi*, as Khumayni states, 'there is no dispute that the terms *faqih* and *afqah* can not be truthfully applied to the '*ammi muqallid*' [Khumayni, 1410: 106]. However, as becomes clear, there is an important difference between *fiqh* and '*ilm*. *Fiqh*, here, refers to the work of scholars past, in which the rules and regulations of every area of the law were outlined. The person that knows the *fiqh* may know the rules, but may not know the derivation of those rules in detail. The person most knowledgeable in the rules themselves deserves to be called not only *faqih*, but by the superlative *al-afqah*. Knowledge of *fiqh*, one recalls, was one of the qualities of a *mujtahid* described by Khumayni but considered inessential by Khu'i. Being most knowledgeable in *fiqh*, however, does not make one the most learned of the *mujtahids* (*al-a'lam*). For that qualification, an aggregate of all the 'qualities of a *mujtahid*' are taken into account. Hence, the judge must know *fiqh* better than all others, and must be a *mujtahid* himself, but he need not be the most learned of the *mujtahids*.

This impression is further confirmed by Khumayni's discussion of the partial *mujtahid*, and whether he qualifies as the judge. Khu'i, one will recall, considered it impossible for a partial *mujtahid* to be a judge. Khumayni, however, permits a partial *mujtahid* to be a judge since the scholar in question may still be the most learned in the *fiqh* of all areas of the law, whilst not being a *mujtahid* in all areas of the law. What is crucial is that the term, *faqih*, can be applied to the person who is to be judge [Khumayni, 1410:107]: that is 'one who is knowledgeable of *fiqh*'. This need not imply being able to derive rulings from the sources in every area of the law [Khumayni, 1410:107–9].

Khumayni has, then, made a distinction between the scholar who is to be judge and the most learned of the *mujtahids*. He achieves this by reference to his 'qualities of a *mujtahid*' discussed in the previous section. There, he defines who is a *mujtahid*, and who is merely a *muqallid*, in terms more precise and measurable than those of Khu'i. In his discussion of the judge, Khumayni stipulates that he must be a *mujtahid* (that is, have met these conditions) but need only be a partial *mujtahid*. He must be a learned scholar ('*âlim*), but he need not be the most learned (*al-a'lam*) of the *mujtahids*. Providing he is the most knowledgeable in *fiqh* and the most just, an 'ordinary' *mujtahid* may assume the role of judge. Furthermore, the judge has a wider remit of responsibility than that described in Khu'i's work. For Khumayni, the judge is unavoidably a political figure who oversees not merely the legal aspects, but also the governance of the community. There emerges here a distinction in Khumayni's work, which is not present in that of Khu'i: namely, that a believer follows the rulings of his *mujtahid*, but he obeys the rulings of the *qadi* since the latter has political, as well as legal, authority as the executive branch of the Shari'a system.

(4)

The Most Learned of Scholars

The hierarchy within the *mujtahid* class was not without its problems (both theoretical and practical). In the nineteenth century, there developed a system whereby the most learned of scholars (*al-a'lam*) stood at the head of a hierarchy, and other *mujtahids* (theoretically) submitted to his authority. Khu'i approaches the problem of following the most learned of the scholars from the perspective of the '*ammi* (the non-*mujtahid*). The '*ammi* is faced with a number of *mujtahids*, and must make a decision as to which he should follow. His natural decision should, therefore, be to follow the most learned (*al-a'lam*) of the *mujtahids*, since the most learned *mujtahid* is most likely to produce *fatwas* which are in line with the rulings of God [Moussavi, 1985]. This, Khu'i claims, is proven by reason, and by revelation (in particular, by the Maqbulah of Ibn Hanzala). The only circumstance in which an '*ammi* can follow the *fatwa* of a *mujtahid* who is not *al-a'lam* is when the most learned *mujtahid* himself gives the '*ammi* permission to follow such a *fatwa*. In such circumstances, the '*ammi* is not, in fact, following the *fatwa* of the less learned *mujtahid*, but following the *fatwa* of

the most learned *mujtahid*, for he has allowed the 'ammi to follow *fatwas* other than his own. Ultimately, the 'ammi is following the *fatwa* of *al-a'lam*. One cannot help but recognise in Khu'i's writings a hint that this is the sort of permission a most learned scholar would give on a regular basis, due to his humility regarding his own rulings and their relationship with the Shari'a of God. The most learned scholar is not, necessarily the one who is most learned in *fiqh*:

The meaning of *al-a'lam* is not he who has the most information concerning the details of the law (*al-furu' al-fiqhiyya*) and preserves the means whereby they were deduced from verses (of the Qur'an) or transmitted *hadiths* or other sources. Rather, the meaning of it is one whose derivation (*istinbat*) of the law is superior to any other, such that he has a greater understanding of the transmissions and verses. It is one who is more precise in his insight into identifying the legal basis (of rulings) based on theoretical principles (*al-qawa'id al-usuliyya*) [Khu'i, 1417:456].

Following the most learned *mujtahid* is, then, a natural extension of the theory of *ijtihād* itself. That theory recognizes the fallibility of all human beings in describing God's law, but it also recognizes that those trained in the sciences of the law are less likely to err than the untrained individual (hence, the authority of the *mujtahid*). It follows from this that among the *mujtahids*, one who is more learned than all the others, is less likely to err than his fellow *mujtahids*. Hence, the cautious option (*ihdiyāt*) for any muqallid is to follow the rulings of the most learned *mujtahid*. This is supported by revelatory texts such as the Maqbulā of Ibn Hanzala and the hadith reported by Abu Khadija concerning submission to the judgement of the wisest and most just of scholars.

For Khumayni, the revelatory arguments are unconvincing. The Qur'anic verse often cited in support of *a'lamiyyat* (following the most learned) is Q21.7 'Ask the people of remembrance, if you do not know'. Here, Khumayni states, the phrase 'the people of remembrance' is of general reference, and does not establish the duty to follow the 'best' of the people of remembrance. Turning to *hadith*, the Maqbulā of Ibn Hanzala lists a number of qualities of a scholar which determine how an 'ammi should decide to whose opinion he should submit. These include *afqah* (the most learned in *fiqh*), *afdāl* (the most excellent), *asdaq* (the most truthful) and *a'lam* (the most learned). Now, those who argue that the Maqbulā establishes one should follow the most learned (as Khu'i does) have not recognized that these characteristics are separated in the report by the word 'and'. This 'and' might imply that the 'ammi can follow the *mujtahid* who fulfils one of these characteristics, or it might imply he should follow the *mujtahid* who fulfils all these characteristics. In either case, the principle of *a'lamiyyat* privileges one of these characteristics (*a'lam*) above all others and this has no basis in the report. Finally, if one is to follow the rulings of the most learned, then all other *mujtahids* who give *fatwas* at variance with those of *al-a'lam* are

acting precociously. Their opinions should be void (*saqit*) and they should not be excused (by God) for ignoring the opinion of *al-a'lam* and reaching their own opinion [Khumayni, 1410:122]. If all are to follow the opinions of *al-a'lam*, then, in effect, there can only be one *mujtahid* and all else are *muqallids*. A *mujtahid* who rejects the opinion of *al-a'lam* and, through his own *ijtihâd*, reaches his own opinion is, in effect, acting sinfully. These unpalatable conclusions regarding the status of the *fatwa* of *al-a'lam* not only threaten to undermine the whole system of *ijtihâd*, but are also unfounded when one carefully reads the reports from the Imams.

Having said this, Khumayni does consider the '*ammi* justified in following the opinion of *al-a'lam*. However, the only justification for this can be caution (*ihtiyat*). The '*ammi*, who knows no better, should follow the opinion of the most learned *mujtahid*, not because his answer is the correct one, but because his answer is most likely (if one is ignorant of the sources) to be correct. A *mujtahid*, however, should not follow the opinion of the most learned (indeed, he has no right to deny his status as a *mujtahid* in this manner) [Khumayni, 1410:130–32]. A *mujtahid* is, by definition, one who need not follow the rulings of another, and if he is bound to follow the rulings of *al-a'lam*, he is denying his very nature.

It should be made clear that Khumayni is arguing here that this is only the situation for the '*ammi* in terms of *taqlîd* (following *fatwas*) [Clarke, 2001]. It cannot be the situation in obeying the ruling of the judge (*al-qadi*). If a judge has emerged who has made a declaration, then the ordinary member of society (be he *mujtahid* or '*ammi*) is bound to obey the judge's ruling. In terms of legal and political practice, the judge (because of his position as judge) can trump the *fatwas* of the *mujtahids* of whatever rank. This is not to say that the judge is superior to the other *mujtahids* for Khumayni, but rather to say that the judge, by virtue of his political position, is the one whose rulings are law (in the sense of being implemented legal rulings) but not necessarily the shari'a (in the sense of according with the reality of God's decree). These rulings, in an ultimate sense (that is, from the perspective of God), are as fallible as those of other *mujtahids*. Indeed, with regard to the *fatwas* of the most learned *mujtahid*, one might argue that they are less likely to be part of the law 'in reality'.

Conclusion

Unfortunately, neither Khu'i or Khumayni in the works analysed here describe, in practical ways, the manner in which an '*ammi* might recognise the 'most learned' of the *mujtahids*, and, hence, the discussion remains in the theoretical realm. In this regard, the practical implementation of *marja' al-taqlîd* (the source of imitation; that is, *al-a'lam*) remains informal and unregulated to this day (despite recent attempt to formalize its designation) [Geiling, 1997; Moussavi, 1982]. Furthermore, in Khumayni's work, there is no explicit description of how one might come to know the judge who holds political power. This final piece of the politico-legal theory was put in place when Khumayni delivered his lectures

Velayat-e faqih, hokumat-e islam [Khumayni, 1978] a decade later, though it was implicit in his earlier works (such as his *Rasa'il* and his *Kitab al-bay'*) [Calder, 1982:16]. In *Velayat-e faqih*, he argued that the 'just jurist' (*faqih-e 'adil*) who manages to gain political power becomes the scholar whom all other members of the '*ulamâ*' should support. This is an obvious and logical extension of this theory of *ijtihâd* and *qada'* outlined in the collected lecture notes from his time in Qum. The complex, legal discussion outlined above indicate that Khumayni had laid the foundation for his later theory of *wilayat al-faqih* in a detailed discussion of revelatory and rational evidence concerning the functions and role of the *mujtahid* and *qadi* [Sachedina, 1988:225–31]. The work of Khu'i, more traditional in tone and less political in content, can act as a control with which one can usefully compare Khumayni's doctrinal developments before his exile from Iran.

The fundamental difference between Khu'i and Khumayni on these matters relates to the link between *a'lamīyyat* and *qada'*, or in less technical terms, between the institution of the learned hierarchy amongst the Shi'ite '*ulamâ*' and the legitimacy of the judge. Khu'i, in traditional vein, wishes to link the system of *a'lamīyyat* with the ideal position of judgeship. However, this link is non-political, and the judge acts merely as an arbiter in community disputes. This may result from Khu'i's own apolitical stance regarding the various systems of government he experienced whilst in Iraq. He appears to be advocating a system whereby Shi'ites solve disputes internally, without recourse to external powers. Khumayni, on the other hand, advocates a decisive break between *a'lamīyyat* and *qada'*. The judge need not be the most learned; he need only be the *mujtahid* who is most knowledgeable in *fiqh*. Furthermore, the judge acts as a political figure, replacing existing systems of government with his own decision-making powers. One senses Khumayni struggling with the tension between scholarly and political authority, a tension which has been the central element of Shi'ite political theory through history. In these technicalities of *usul al-fiqh*, one sees the beginnings of Khumayni's doctrine of *wilayat al-faqih*. Due to his rise to power in post-revolutionary Iran, this doctrine has dominated Shi'ite legal thought ever since.

NOTES

1. See, however, the works of Enayat, Calder and more recently Akhavi: Enayat, 'Iran: Khumayni's concept of the Guardianship of the Juristconsult', in Piscatori [1981]; Calder, 'Accommodation and Revolution in Imami Shi'ī Jurisprudence' [1982:3–20]; Akhavi, 'Contending Discourses in Shi'ī law on the Doctrine of Wilayat al-faqih' [1996:229–68]. There has also been extensive commentary on legal developments, as reflected in *fiqh* and *usul*, in Persian. See, for example, Kadivar [1376] and Ma'rafat, 'Vaqe'-negari dar Binesh-e Feqhi-ye Imam Khumayni' [1369/1990:39–44].

2. Mottahedeh's study of the training and development of Shi'ite scholars is particularly illuminating on this point, Mottahedeh [1986].
3. I provide an example of this in Gleave, 'Modern Shi'i Discussions of *habar al-wahid*: Sadr, Humayni and Hu'i' [2002].
4. See the works of Abrahamian and Dabashi referenced above, and also Moin [1999] and Schirazi [1997].
5. The collator of the *taqirrat* of Khumayni writes in his introduction, 'this age of ours is the age of the *taqirrat*, because the usual practice amongst the luminaries of knowledge, for the advanced studies in this period, is to write down what they have learned from their teachers (*asatidha*), and publish it in order that the it might be of general use'. Khumayni [1410:3].
6. See, for example, the certificates in Ruhallah al-Khumayni, *Tahdhib al-usul* (2 vols., Qum: Intisharat dar al-fikr, 1405) I, ii and Al-Sayyid Abu al-Qasim al-Musawi al-Khu'i, *Misbah al-usul* (2 vols., Qum: Maktabat al-dawari, 1417) II, 3.
7. See, for example, the certificates in Ruhallah al-Khumayni, *Tahdhib al-usul* (2 vols., Qum: Intisharat dar al-fikr, 1405) I, ii and Al-Sayyid Abu al-Qasim al-Musawi al-Khu'i, *Misbah al-usul* (2 vols., Qum: Maktabat al-dawari, 1417) II, 3.
8. Muhammad b. Hasan al-Tusi (d.460/1067) collator of *hadiths* and prolific *fiqh* writer.
9. Muhammad b. Ya'qub al-Kulayni (d.328/939) and Ibn Babuyah Shaykh al-Saduq (d.381/991) were responsible for the first two major collections of legal hadith in Twelver Shi'ism.
10. A reference to Muhaqqiq al-Hilli (d. 676/1277), the scholar credited with introducing *ijtihād*, albeit in modified form, into Shi'ite *usul al-fiqh*. See Sachedina [1988:14–16].
11. Allama al-Hilli, al-Hasan b. Mutahhar (d.726/1325), the scholar credited with developing a fully integrated theory of *ijtihād* in Shi'ite *fiqh*, and pupil of Muhaqqiq. See Sachedina [1988:16].
12. Khumayni is normally identified as a staunch *Usuli* (see, for example, Dabashi [1992:580 n.8]), and this is, in many respects, accurate. However, the influence of Akhbarism on his thought has not yet fully been explored.
13. This tradition, together with that of Abu Khadija are translated in Gleave, 'Two Classical Shi'i Theories of Qada' in Hawting, Mojaddedi and Samely [2000:119–20].
14. This is the *hadith* entitled *Maqbula* of Ibn Hanzala, referred to above.

Islamic Law as a Cure for Political Law: The Withering of an Islamist Illusion

ANN ELIZABETH MAYER

Introduction

This contribution attempts to situate Islamization programmes that are being pressed by groups variously known as ‘Islamists’—the term used here, ‘Islamic fundamentalists’, or proponents of ‘political Islam.’ In the legal domain, Islamization programmes entail measures for replacing imported Western laws by Islamic law. Islamists typically claim that reinstating Islamic law will both restore a cultural identity corroded by Western influences and establish an ideal society. Many Islamization programmes involve establishing an Islamic state, meaning a state where the government itself is meant to be reconstituted along Islamic lines.

The significance of Islamization programmes will be considered in relation to a proposed new taxonomy of the world’s legal systems authored by Ugo Mattei, an Italian scholar of comparative law.¹ Mattei is not himself a student of Islamization, and his scheme was not conceived of as a means of classifying current legal developments in Muslim countries. However, placing developments in contemporary Muslim countries in Mattei’s framework helps to illuminate why the results of Islamization programmes as they have been tried to date in the Middle East and North Africa have caused such disillusionment. Given the stage in which the legal systems of contemporary Middle Eastern and North African legal systems find themselves, Islamization programmes are ill-designed to serve the goals that Islamists promise they will achieve. Rather than curing the pervasive ills of these systems, Islamization winds up serving as a tool for resisting evolution towards the rule of law. With familiarity with Mattei’s taxonomy, people could foresee that Islamizing transitional legal systems in the region would exacerbate their defects.

Evidence will be marshalled primarily from the Iranian case. Since the 1979 Islamic Revolution, Iran has implemented the most organized and most far-reaching Islamization programme. In contrast, in Pakistan, Afghanistan (under the Taliban), and the Sudan, Islamization has been uneven, all three countries having been disrupted by political turbulence, and the last two having been wracked by protracted civil war. Aspects of the recent debates over Islamization

in Iran will be presented to document how Iranians characterize legal developments. As will be seen, in the current public debates about Iran's political and legal systems, participants often speak as if they had studied the categories in Mattei's article and were using his classifications as their frame of reference.

Ugo Mattei's Taxonomy

Mattei's scheme differs from those one often finds in surveys of the world's legal systems, which typically have divided the legal universe into categories like civil law, common law, Islamic law, and socialist law—this last category now dwindling as Communism recedes. Such classifications generally propose divisions that draw lines on the map that correlate with geopolitical divisions and/or the historical legacies of differing legal traditions, proposing that legal developments in Muslim countries follow a distinctive Islamic pattern that sets them apart from what goes on in the West. Mattei dispenses with such classifications. He assumes that all legal systems evolve historically through the same three stages, and that these three stages should be the basis for classification. My own research predisposes me to accept Mattei's taxonomy, which dispenses with conventional East-West categories and emphasizes instead common patterns in the evolution of legal systems regardless of the cultural heritage involved. I have argued elsewhere in a discussion of laws affecting women's status that, once analysed, the patterns in legal evolution in some Muslim countries around the Mediterranean turn out to bear striking similarities to the previous pattern of evolution of laws in France.²

Mattei does not pretend that his categories are neat or that a given legal system will in all respects conform to one category or another. At any particular moment, a country's legal system can combine elements of all three categories, with one or the other predominating in any given area of law. The kind of law that predominates overall in a country's system should be the basis for classifying it.³ The following sketch only crudely summarizes Mattei's categories. Mattei's taxonomy assumes that legal systems evolve over time through three stages:

The Rule of Traditional Law Systems embodying this early stage may still predominate in isolated regions and communities that are insulated against encroachments. Here, the predominant element is either religion or a philosophy in which the individual dimension is not treated as separated from the societal one; family groups rather than individuals are treated as the building blocks of society and the role of gender is emphasized; law is linked to the homogeneity of the population and the preservation of a particular social structure; decision-makers exercise a high level of discretion; there is a strongly hierarchical view of society and a high value placed on harmony; changing social conditions cannot be absorbed without importing Western models.⁴

The Rule of Political Law Systems embodying this stage persist in the Global South. This is characteristic of transitional phases of legal systems that have largely left traditional law behind but have not yet developed the features characteristic of the stage of the rule of law. In this stage, political and legal processes cannot be sealed off from one another; law and the courts are weak before political power. The political class may directly regulate institutional decisions, refusing to allow decentralized institutional decision-making and the outcome of the legal process is often determined by political relationships and personal connections.⁵

The Rule of Professional Law (Mattei's term will be replaced in the following discussion by the more common term 'the rule of law', which is its equivalent.) This is characteristic of the most advanced legal systems, such as those found in the democracies of the North Atlantic. Its features include: The legal arena and the political arena are differentiated; the law is largely secularized; high-level political decision-making is itself subject to the restraints of the law; political leaders/rulers are subject to the law; law is seen as the primary vehicle for ordering society and resolving disputes; adjudication is governed by preexisting, general, depersonalized rules, so that only a narrowly defined class of facts covered by these rules is considered in deciding legal cases.⁶

Legal Development in Muslim Countries

This study posits that reference to Mattei's scheme helps explain why Islamization has such problematic consequences in Muslim countries. It will be argued here that Islamists tend to appeal to an idealized vision of Islamic law as it was applied by the Prophet until his death in 632 CE and by his immediate successors. In the early years of the Islamic community, Muslims were united in their allegiance to one leader who exercised both ultimate political and religious authority in a way that is said to have ensured perfect justice. Such a community might be effectively governed by a system of traditional law—a law that is, however, totally inadequate to deal with the problems of contemporary states. None the less, contemplated through a haze of nostalgia, the rule of traditional law still holds appeal for many and is widely imagined to be a panacea.

A brief comment on Islamic law is in order. Although the Islamic sources are brief, they were expanded into an elaborate jurists' law. Islamic law along with customary laws governed Muslim societies for many centuries. The rules treat some areas like personal status and contract law in great detail but are skeletal in the areas important for running the institutions of a modern nation-state. The jurists who wrote the complex treatises setting forth the rules of Islamic law did not anticipate the problems of governing modern countries, and the treatise format made the jurists' works cumbersome to use. Appreciating this, Muslim countries in the course of their nineteenth and twentieth century modernization drives mostly replaced Islamic law by codified laws of European derivation, leaving elements of Islamic law—often reformulated in codifications—in limited

areas such as personal status.⁷ National legal systems in the Middle East and in North Africa—as opposed to the customary systems in place in some smaller communities—no longer embody the rule of traditional law. Aspects of this stage still survive in Saudi Arabia, which has not shaken off the character of a feudal fiefdom, as they did for a while in the Taliban’s Afghanistan, where a programme of reverse social engineering was pursued as Afghanistan’s modern state institutions were deliberately dismantled.

In the countries of this region, one encounters legal systems that are progressing unevenly towards the rule of law stage but where political law predominates. The rule of political law could be anticipated given the overwhelmingly undemocratic nature of the political systems in the region. Their citizens suffer under arbitrary rule by political leaders who are largely unconstrained by laws and who generally cannot be held to account by independent courts. How grievously the governments in the region fall short of meeting the standards of the rule of law has been abundantly documented in human rights reports prepared by reputable international nongovernmental organizations (NGOs) such as Amnesty International and Middle East Watch, as well as in numerous critiques that have been prepared by indigenous human rights organizations. However, there is obviously a vast gap between the legal and political development of a country like Turkey, which has advanced considerably towards compliance with the standards of the European Union, and the stage of development in a country like Libya, dominated since 1969 by an eccentric military dictator who demands abject submission to his whims. None the less, throughout the region there is a tendency for law to be subordinated to politics.

Dissidents and politically aware denizens of countries of the Middle East and North Africa are increasingly drawn to critique their own legal systems in terms of how they fall short by the criteria of the rule of law, seeing in the rule of law the prospect for correcting the ills of these systems.

The Conflict over Political Law in Iran

Studying the Iranian case shows how central the conflict is between those invested in maintaining the rule of political law and those demanding the rule of law and also how appeals to Islamic law as a traditional law fit in this struggle. After decades in which the legal system was modernized and secularized, with the 1979 revolution and the overthrow of the Shah, clerical proponents of Islamization were able to seize power. Ayatollah Khomeini managed to sideline his political rivals and assume the leadership of the new Islamic Republic. Due to his popularity and charisma, many Iranians initially accepted being ruled by a theocratic regime committed to an Islamic ideology. The clerical government was based on the theory that to ensure adherence to Islamic law, Islamic jurists had to wield supreme authority.

Iran’s official Islamization programme initially had positive connotations for many Iranians, who imagined that it would restore the rule of traditional law, a

pre-political law, envisaging that the application of Islamic law under the auspices of learned jurists would ensure perfect justice. However, the disillusioning experience of clerical despotism, egregious corruption, gross mismanagement of Iran's faltering economy, harsh suppression of dissent, a savage version of criminal justice, and pervasive human rights violations have provoked increasing alienation and restiveness.⁸ In addition, Ayatollah Khamene'i, Khomeini's successor as *faqih*, or ruling jurist, is an unimpressive personage who has been unable to win a wide popular following or to persuade other senior clerics that he has the juristic credentials to pronounce on issues of Islamic law.

Although in post-revolutionary Iran, there continues to be much talk of fealty to Islam and rules of Islamic law have been revived in some areas, the legal system still remains essentially French in orientation, as it was under the Pahlavi shahs. Although political law is its salient feature, because of the transitional character of Iran's legal system, elements of traditional law and the rule of law can also be found. For example, Iran applies aspects of medieval religious law—rules that survived from an era of traditional law—such as rules allowing men to have an unlimited number of temporary wives and providing for retaliation valuing women at one half the value of men for purposes of compensation, and treating murder as a private wrong done to the family of the victim and leaving it up to the family of the murdered person to decide whether to demand retaliatory vengeance or compensation instead. Iran also possesses some laws and institutions indicative of its aspirations to adhere to the rule of law—such as its constitutional provisions precluding encroachment on people's dignity, life, and rights except in cases prescribed by law (in Article 22), barring the interrogation of people regarding their beliefs or attacking anyone because of his beliefs (in Article 22), limiting the pronouncing of sentences to competent courts in accordance with the law (in Article 36); guaranteeing the presumption of innocence except where a person has been proven guilty by a competent court (in Article 37), and declaring confessions obtained by torture null and void (in Article 38).⁹ Not surprisingly, juggling such clashing types of law within one system leads to instability and incongruities.

As election results over the last years have repeatedly shown, rather than responding to appeals to Islamic loyalties, Iran's restive population—and especially young Iranians—have been increasingly responsive to an energetic, though harshly suppressed, reform movement that decries the ills of political law and explicitly criticizes how Islamization has been wielded to stall pressures for democratization.¹⁰ As protests mounted, members of the judiciary effectively acted as agents of the hardline forces seeking to keep a lid on simmering popular discontent, repeatedly charging dissidents with criminal offenses and convicting them after political trials, which were typically conducted in secret. Tortured confessions were regularly resorted to in order to establish the guilt of the accused. Repression and terror were directed at dissidents and reformists, sometimes escalating into murderous violence carried out by hit squads under the

direction of the dominant hardline faction. A recent Human Rights Watch report has catalogued the harshness of the repression meted out since 1999.¹¹

As Iranians' impatience with arbitrary and politicized justice has mounted, the ruling hardliners have been lashing out at the press and at dissidents, who have embarrassed them by exposing the prevalence of political law. For example, in the period from 1999 onward, there were especially harsh and far-ranging crackdowns on the reformist press for exposing how crass political agendas drove the workings of Iran's criminal justice system and for criticizing defences offered by officialdom for the undemocratic features of Islamic government. The hardliners' edgy defensiveness suggested that even they realize that, in the wake of two decades of experience of political law, the Islamic veil that they want to keep draped over their despotism is wearing thin.

Their disillusioning experience with the rule of political law accounts for the importance that Iranians currently ascribe to constitutionalism, a major component of the rule of law. As used here, constitutionalism means the sovereignty of the people, elected government accountable to the people, government being guided by constitutional prescriptions and limitations, constraints on government pursuant to human rights principles, preclusion of extra-constitutional government, and adequate institutions to ensure that constitutional rules are observed.¹² To illustrate the deviations from constitutionalism in Iran, the following discussion will focus on politically-motivated criminal prosecutions and persecutions of dissidents that have been closely connected to Iran's official version of Islamization.¹³

The 1997 election of President Khatami brought the tensions over the rule of political law to the fore. His victory suddenly put in the President's office a vigorous proponent of constitutionalism and the rule of law. Intended only to serve as a pro forma opponent for 'Alî Akbar Nateq Nuri, the hardliners' favoured candidate, Khatami startled the clerical establishment by winning in a landslide. Even though he is obliged to make ritualistic laudatory references to the virtues of Islamic government, Khatami is not seen as a proponent of Islamization; on the contrary, he is seen as a critic of the hardliners and a proponent of liberal reforms, which has made him wildly popular. This threatens the hardliners, who have worked overtime to block his reform efforts—arresting, assassinating, and terrorizing reformers and silencing the voices of his political allies. One of the most savage attacks was the attempted assassination in March 2000 of Said Hajjarian, one of President Khatami's most talented strategists. Barely surviving the attack, Hajjarian was left permanently disabled.

Iran's ruling hardline clerics rely on political law to crush their opponents and stifle efforts to hold them accountable for their misrule, but in public they still trumpet their commitment to Islam, hoping that appeals to Islam can shore up their tattered legitimacy and discredit their opponents, whose criticisms they portray as attacks on Islam. The vocal contempt with which official Islam is currently being treated in Iran suggests that the state-sponsored Islamic ideology has forfeited much of its former allure. Despite great risks, intellectuals are

attacking Iran's system of combining religion and state and placing ultimate and unchallengeable authority in the hands of an unelected clerical elite. Iranians are speaking out to demand accountability and respect for constitutionalism as a way to ensure the rule of law. Critics now pointedly attack institutions dominated by clerics as roadblocks in the way of achieving the rule of law.

Those resisting liberal reforms invoke an idealistic vision of the rule of traditional law. Seeing support for Iran's clerical government dwindling in 2001, Ayatollah Khamene'i tried in a sermon to reawaken loyalty to Iran's Islamic government by invoking the image of the Prophet's son-in-law 'Alî, who briefly ruled the early Islamic community in 656–61 CE as *amir al-mu'minin*, the commander of the faithful. Iran's Shi'is still revere 'Alî, considering him as the Prophet's rightful successor. Shi'is accord him the title of Imam, a title that also was used to designate Khomeini as the leader of Iran's Islamic government. Khamene'i's peroration on the virtues of 'Alî's government was made after a year in which the government had promoted awareness of 'Alî. Speaking as if Iran's clerical regime were akin to 'Alî's Imamate, Khamene'i acted oblivious to the enormous disparity between what had been required of the religious and political leader of the small community of believers in the era immediately after the death of the Prophet and the problems of governing contemporary Iran. On the contrary, he implied that under a pious leader who followed 'Alî's example—here meaning himself as Iran's supreme jurist—Iran could expect to enjoy model government and perfect justice.

In extolling 'Alî's virtues, he asserted that what was particularly important was Imam 'Alî's status as a model for government. It was in the life of 'Alî that the different aspects of justice could be found. This justice Khamene'i associated with the Islamic religion: 'The meaning of justice, which we recognize as a religious principle, requires that God Almighty would choose a person such as ['Alî] to lead the people, and that is exactly what God Almighty did.' People within the government should learn from the qualities of 'Alî and practice them, Khamene'i said. Khamene'i pressed the idea that the level of the ruler's piety correlated directly with the level of justice in a society. 'Amir al-Mu'minin enjoyed the highest level of personal justice. He was a truly fair person. That is what we describe as piety. ...In fact it is the personal justice which is a backing for social justice.'¹⁴

According to Khamene'i: 'Anyone who wants to be a source of justice in the lives of people should first of all observe divine piety.' He proposed that 'Alî 'teaches his everlasting lesson to all politicians of the world, to all those who play a role in the political affairs of their own society'. The person of the leader is crucial, because 'what can guide people to God's path is the behavior and actions of the person who, during a certain period, is the leader, the imam or someone whom the people are supposed to follow'. The results of having such a pious ruler were that 'a 100 per cent Islamic rule' ensued without even one instance of an un-Islamic decision.¹⁵ Since Iran's ruling *faqih* is meant to be

ruling in 'Alī's stead, Khamene'i obviously was suggesting that Iran's form of leadership offered the optimal kind of government.

The defects of a system like the one proposed by Khamene'i, which is based on the hypothesis that the ruler's personal piety will guarantee good government, had already been shown more than a decade before. As the then ruling *faqih*, Khomeini manifested his blatant disregard for basic precepts of the rule of law, whether these were grounded in the Islamic tradition or in secular law. When Khomeini called in February 1989 for the assassination of Salman Rushdie and those associated with publishing his book *The Satanic Verses*, this offered a dramatic example of a mentality incompatible with the rule of law. The only way to attach Khomeini's death edict to some semblance of legality was to assume that Khomeini's authority as the jurist heading the Islamic Republic allowed him to stretch Islamic law to justify *any* course of conduct that he favoured. Of course, accepting this premise would mean that Iran's Islamic justice would necessarily amount to an expression of political law.

That this was the case had already been revealed prior to the Rushdie affair, when Khomeini publicly affirmed the untrammelled power that he saw himself entitled to wield as the head of Iran's Islamic government. In January 1988, Khomeini took the stance that the Islamic state, which he dominated as the supreme jurist, enjoyed absolute power and was entitled to adopt any measures dictated by its interests—regardless of whether these violated fundamental principles of Islamic law.¹⁶ That is, Khomeini was ready to trumpet publicly his conviction that he was entitled to act without any legal constraints—under the theory that advancing the interests of the Islamic state would ultimately serve the cause of Islam even if Islamic law were seriously breached in the process. Significantly, in today's changed climate, Iran's ruling clerics no longer publicly proclaim their right to wield absolute power regardless of any and all criteria of legality, going instead to some pains to concoct legalistic rationales for their moves and to try to convince Iranians that their pursuit of Islamization is congruent with the rule of law and constitutionalism. That is, faced with a growing public antagonism towards Iran's political law and manifestations of popular support for constitutionalism, they have come to see it as inadvisable to advertise the degree to which Islamic law is subservient to the interests of the regime. If this background is borne in mind, some of the peculiarities in official Iranian discourse can be accounted for. The rule of law and the rule of political law are mutually exclusive, so when the regime adopts the pretense of adhering to the rule of law while maintaining a system of political law, this entails self-contradictions, tortured logic, and attempted cover ups.

Since the hardliners control unelected institutions like the judiciary, the military, the broadcasting media, the police and security forces, and various unofficial groups that can be used to enforce their wishes, Khatami has been unable to carry out his reform agenda despite his own powerful popular mandate and his allies' sweeping victories in municipal and parliamentary elections. Khatami cannot afford directly to attack the clerical establishment or to

denounce the official ideology that correlates with the rule of political law. However, by ceaselessly insisting on the importance of constitutionalism and the urgent need to respect human rights and freedoms, Khatami implicitly attacks the rule of political law. In his policy pronouncements, he extols what are basically secular liberal concepts, making only perfunctory references to Islam, repeatedly proclaiming his support for the development of constitutionalism, civil society, judicial independence, democracy, and equality before the law. For example, Khatami on the occasion of the first anniversary of his 23 May 1997 electoral victory promised that he would not be deflected from creating a freer society with an accountable government and warned: ‘A lot of people are out for themselves and hiding behind religion’,¹⁷ an instance where he indicated that the hardliners were manipulating religion for their own ends. A 1998 speech was noteworthy for the paucity of its Islamic references. Khatami emphasized the need to build on the constitution, asserting that it was his wish to turn:

the law and the rule of law into a value in our country...the rule of law does not merely mean that we should ask the people to submit to the law. In the first place, those who have the means and the power— in particular the country’s three branches—must be pioneers of the rule of law...the law without freedom means one-sided domination over society...the facts show that in our country freedom should certainly respect Islamic principles... It is a requirement of political freedom that we should recognize the sovereignty of the people over their fate which we have recognized in the constitution.¹⁸

In a televised speech on another occasion, Khatami stressed the need to give the greatest possible attention to the constitution. Basing himself on the constitution, Khatami said that people had rights and that there were limits to government powers. He specifically identified *his* office as president with defense of the constitution.¹⁹ (Significantly, Article 113 assigns the implementation of the constitution to the President, not to the *faqih*.) According to Khatami: ‘Just as he is a defender of Islam, the system of the Islamic republic and the country’s official religion, the president is the executor and guardian of the constitution and the people’s rights and liberties; in this respect, his position is different from the system’s other leaders and officials....’²⁰

In another speech, Khatami extolled the idea of an independent judiciary, saying that a judge must be impartial in all ways and must not side with any specific group and tendency. His ideas included: No superior official should tell a judge what to do. No power was authorized to force a judge to issue a certain verdict. Judges should function in total freedom. The government should take its power from laws. The judiciary was to treat all people equally. Further steps should be taken to strengthen the judiciary.²¹ In commemorating the twentieth anniversary of the Islamic Revolution in February 1999, Khatami said: ‘The basic slogan of this government is, therefore, abiding by the law, the

institutionalization of law and order and the institutionalization of all the components of government within the framework of the constitution'.²²

In a speech after his reelection in 2001, Khatami made points that constituted indirect criticisms of the politicized and unjust rulings coming from Iran's judicial system and the anti-democratic and repressive policies of the hardline clerics, which invoked Islam as their justification. He stressed the importance of judicial independence for the rule of law and the need for the judge to be free of influence by any political and military power or any faction. He spoke of defending people's rights against power and called for efforts to be made to prevent misuse of power, asserting that the judiciary should defend people's rights. All components of the governmental system depended on the vote of the people and should be responsive to the people. He expressed regret that throughout history ruling systems had exercised the most oppressive and dictatorial approaches under the pretext of religion, proposing that Islam offered the basis for defending human rights, justice, morality, and freedoms.²³ One appreciates that Khatami has been conveying to Iranians that he is fighting an established system of political law rationalized by appeals to religion and that he aims to establish the rule of law, which is tied to a policy of democratization. From Iranians' enthusiastic response, this campaign obviously coincides with their aspirations.

Now that they must contend with Khatami's popularity, hardliners sometimes try to coopt Khatami's own slogans, posing as enlightened defenders of the rule of law and attendant values, like respect for human rights. However, hardliners undercut their claims to be upholding the rule of law by using the courts as instruments of political vendettas. A notorious example was the highly political 1998 trial of Tehran's dynamic and popular mayor, Gholamhossein Karbaschi, the mastermind of Khatami's stunning 1997 electoral victory. To try to discredit the progressive Karbaschi and also to weaken Khatami, they had Karbaschi criminally prosecuted on the basis of far-fetched charges. At least some hardliners had been able to grasp that another secret trial on the by now overly-familiar range of charges usually hurled at dissidents—secular offences such as spying for Israel, adultery and sodomy, and drug trafficking, as well as offenses against Islam such as warring against God and His messenger, spreading corruption on the earth, and other similar crimes—would exacerbate their public relations problems. So, Karbaschi was charged with despotic and dictatorial behavior, embezzlement, and mismanagement—the very kinds of abuses that the populace commonly attributed to Iran's ruling hardliners—and his trial was held in public.

The hardliners decided that broadcasting the trial proceedings would serve to discredit Karbaschi. However, being totally unaware of what trials conducted according to the rule of law entailed, in the process they showed the country the travesty of justice that Iran's political trials involved. The trial diverged sharply from the basic standards of procedural fairness observed in systems adhering to the rule of law. Among other things, the presiding cleric, who acted both as both

prosecutor and judge, was clearly not playing the role of a neutral decision-maker. He acted openly antagonistic to the defendant and showed unbecoming eagerness to convict Karbaschi. Before Karbaschi was convicted on 23 July 1998, television viewers witnessed heated exchanges as Karbaschi quarrelled with the judge about the unfairness of the procedures, complained about the judge's bias and manifest lack of judicial qualifications, and outspokenly denounced the tortures to which prosecution witnesses complained that they had been subjected in the course of obtaining their 'confessions.'²⁴

Iranians seem to have widely seconded Karbaschi's condemnations of the unfair proceedings. The counterproductive decision to televise the kangaroo court that convicted Karbaschi illustrates how far Iran's dominant hardliners are from grasping even the rudiments of the rule of law. Trying to negate charges that Iranians were being sentenced to prison terms as a result of political vendettas and to persuade Iranians that the rule of law was respected, they allowed viewers to witness a trial that inadvertently confirmed that Karbaschi was the victim of a political witchhunt. The trial reinforced the impression that, as long as Iran's clerical hardliners held sway, the abuses of political law would persist.

As Karbaschi's status as a martyr of the reform movement grew, the hardliners became defensive. Besieged by critics, the cleric who had acted as judge felt obliged to make a statement denying that the court was political and complaining that the defendant and his lawyers had insulted the court.²⁵ The judiciary repudiated the notion that any political motivations had prompted the prosecution and insisted that Karbaschi's trial was perfectly legal.²⁶ But, some associated with the government conceded that damage had been done. In the wake of the allegations of torture in the Karbaschi trial, even the relatively tame quasi-governmental Islamic Human Rights Commission complained about illegal detention centres maintained by the police and the intelligence ministry, accusing them of practising torture to extract confessions. Faced with negative reactions to the Karbaschi trial, the Justice Minister Esmail Shushtari conceded that the present court system had 'a number of shortcomings'. A Majles member stated that many faults had come to light during the trial and that giving the judge several functions caused serious problems.²⁷ Karbaschi's appeals and efforts by his friends in government to obtain a pardon were unsuccessful, and in May 1999 he began serving his two-year prison term in Tehran's notorious Evin Prison. Other prominent allies of Khatami, such as his Interior Minister Abdullah Nuri, would soon also be prosecuted and convicted in trials that reeked of politically-motivated persecutions and that brought further discredit on Iran's judiciary.

Unable to tolerate journalists' criticisms and exposes of the regime's corruption, repression, and violence, Iran's hardliners lashed out at the liberal and reformist press which had increasingly focused on the abuses associated with the rule of political law. Hundreds of lawsuits were filed against publications with scores of publications being temporarily or permanently shut down. One of the reformist papers, *Jameah*, was closed down on 10 June 1998 after publishing

an all too revealing speech by the commander of the Revolutionary Guards. General Yahya Rahim-Safavi was quoted as saying that liberalization had gone too far and that 'heads need to roll, tongues need to be cut off, and pens need to be broken'.²⁸ Of course, hardliners deemed this report to be dangerous precisely because it documented their thuggish mentality and was the kind of exposé that could only aggravate their unpopularity.

Exasperated by media criticism, in a speech in March 1999, Ayatollah Yazdi, the head of Iran's judiciary and one of the most prominent hardliners, explicitly associated constraints on freedom of expression with upholding Islamic principles as articulated by the clerical establishment. He rejected the principle of freedom of expression and defended repressive censorship as being mandated by Islam, asserting:

There is no freedom in this country for some people to say and write whatever they want. We...do not want this type of freedom where everyone is allowed to say whatever they want even if it is against the principles of Islam... If necessary, the ruling and the supervisory establishments in the country will supervise and will take action. They will not remain indifferent and they will not listen to anyone...the judicial establishment does not involve itself in politics, and it will not take note of anything except God, religion, and revolution... If we arrest someone you should not cry and ask why. This is the rule of law.²⁹

In the same speech, he emphatically proclaimed that what 'the principles of Islam' consisted of was to be decided by theological seminaries, sources of religious emulation, ayatollahs and prominent scholars.³⁰ That is, Yazdi indicated that the criteria that would be used to define the limits on Iranians' freedom would be decreed by a clerical elite, an elite that would neither be chosen by the electorate nor be accountable to the electorate. The notion that the populace had a right to complain about arrests or demand an explanation for these was scoffed at ('you should not cry or ask why'). By equating 'the rule of law' with a system where clerics enjoyed absolute discretion to arrest whomever they chose and where they dictated what questions were prohibited, Yazdi unintentionally underlined one reason why the hardliners' vision of Islamic government had so alienated Iranians.

Ayatollah Yazdi found that not all Iranians were intimidated by him. In April 1999, conservatives shut down *Zan*, the newspaper of one of Iran's most outspoken liberal feminists, Faezeh Hashemi, the daughter of former President Hashemi Rafsanjani. Given her powerful family connections, she was undeterred by Yazdi's threats and sarcastically mocked what she called 'the pompous title of the representative of the supreme jurisconsult'. She asked rhetorically: 'Does the country not have laws? So why do you try to establish justice through demagoguery? Are there no limits to what one does to acquire power and hang on to one's position?' After these jabs at the rule of political law, she called for

adherence to the law and protested against the closure of her paper, scolding: 'Mr. Yazdi, as the head of the judiciary, you will not do badly if you take the law seriously at least once in your life. You can at least go over it. Take a look at Article 168 of the constitution [an article that requires political crimes and press crimes to be tried publicly in the courts with a judge and jury]... Do you not know what legal procedure should be followed?'³¹

In lieu of political trials and censorship for their foes, the hardliners at times resorted to assassination squads. A string of serial murders eliminated a number of prominent dissidents and secular writers, all killed at the end of 1998. Because the hardliners routinely resorted to unofficial forces to attack or eliminate their foes, the serial murders were quickly attributed to the hardliners, despite the efforts of the latter to disavow any connection with the murders and to blame them on others. The murders provided a fitting capstone to a year in which Iran's hardliners had twisted and turned, trying simultaneously to terrorize the opposition while at the same time pretending to appreciate the requirements of the rule of law. After elements in Iran's security apparatus were implicated in the serial murders, embarrassed hardliners tried to deflect culpability by insisting that the killings had resulted from a rogue operation that was severable from the regime and, in particular, that the murders had nothing to do with the regime's official Islamic ideology. Thus, Mohammad Niazi, the prosecutor of the military court handling the ostensible culprits, claimed that those arrested for the murders had had no links with any political faction, stressing that they had not claimed to be carrying out a religious decree when killing their victims.³²

Ultimately, the killings of the dissidents proved to be another miscalculation. The head of the intelligence ministry was compelled to resign after his ministry was implicated in the murders, despite the ministry's efforts to blame the murders on agents acting without official authority.³³ The subsequent report of the 'suicide' in custody of one of the individuals accused of being behind the killings was widely interpreted as having been the deliberate elimination of a person who might have pointed his finger at the true culprits in the higher echelons of government had he been allowed to survive.

In another move that could only highlight the rule of political law, hardliners arranged the arrest in February 1999 of Hojjatoleslam Mohsen Kadivar after he called for Ayatollah Khamene'i to stay out of politics. Kadivar was a pro-Khatami cleric and friend of dissident Ayatollah Montazeri. He was tried and convicted in April 1999 by Iran's special clerical court, the secretive tribunal established after the Islamic revolution to try clerics for acts contrary to religious law or harmful to public security. This special tribunal embodies the rule of political law as imposed by Iran's theocracy. It has been specifically condemned by UN envoy Maurice Copithorne as arbitrary and secretive.³⁴

Even Iran's tame Islamic Human Rights Commission felt obliged to take a public position on behalf of the rule of law, appealing to the constitution, calling for observance of the legal rights of citizens, a fair and public trial for Kadivar with the defendant having the lawyer of his choice, and a right to appeal.³⁵

Kadivar's arrest and prosecution were widely viewed as political, and attacks on the special clerical court mounted in consequence.

In a sermon on 20 April 2001, Ayatollah Yazdi, speaking for his fellow hardline clerics, made a renewed effort to discredit critics of Iran's political law. After a growing toll of arrests and blatantly political prosecutions of dissidents, journalists, opposition figures, and critics of the regime, the hardliners realized that popular indignation over the governing system of political law was damaging their prestige at a time when presidential elections were looming. Yazdi apparently felt it urgent to try to respond to criticisms that Iran's judiciary and the justice that it meted out were mere tools of the hardliners' political agendas in their battle against the reform faction. He sought to persuade his listeners that the judiciary was motivated solely by considerations of law, not by politics. Thus, for example, he spoke of a recent case in which the judiciary had arrested a group of people in connection with political offenses, emphasizing that these were offenses under the law. He sought to persuade his listeners that legal principles guided Iran's judiciary: 'I want to stress the point for the gentlemen who are always looking for a subject to write on and make a business out of it: Political offences as approved by the law.' He went on to defend the judiciary, absolving it of charges of administering political law and insisting that complaints about politicized justice were groundless: 'The Judiciary is not a political establishment. They are not pursuing political objectives. Let the Judiciary do its work. Don't complain every day that they are arresting this or that person.'³⁶

He also tried to deflect complaints about arbitrary and politicized justice by emphasizing the point that in Iran Islamic law was supreme. This kind of appeal to the original ideal of the Islamic Republic—that it would be a government upholding Islamic law—was part of the hardliners' usual method of converting criticisms aimed at the failings of Iran's oppressive system into attacks on Islam. Reacting to the reformers' repeated harping on the need to respect Iran's constitution, Yazdi emphasized the Islamic elements in the constitution—attempting thereby to equate constitutionalism with adherence to Islamic law, which in context would mean Islamic law as defined by the dominant clerical faction. He referred to Article 172 of the Iranian constitution, stating that the Parliament was not allowed to pass laws that did not fit the criteria of Iranian Islam or the constitution. He spoke slightly of certain people who said that they respected the law and claimed that the constitution was a national covenant but who only wished to abide by certain parts of those laws, while abandoning other parts.³⁷ Presumably, the parts that these people were neglecting to attend to were the ones giving supremacy to Iran's ruling clerics and primacy to their interpretations of Islamic law. In this regard, Yazdi had a valid point. Iran's reformers, who saw constitutionalism as the vehicle for achieving the rule of law, tended to downplay the problematic features of Iran's constitution, which by making Islamic law supreme and giving clerics the final say as to what Islam

required, had laid the groundwork for clerical oppression and clerical misuse of Islam for political ends.

Since the hardliners started clamping down in earnest in 1999, many members of Iran's restive student population have been targeted for harsh repression, being censored, arrested, prosecuted, or physically assaulted by security forces and thugs allied with the regime. Among other things, in July 1999, after Tehran University students peacefully demonstrated against the closure of a popular pro-reform newspaper, they were violently attacked when their dormitories were invaded by police and vigilantes who killed at least four, wounded hundreds, and arrested hundreds more. Instead of the attackers being punished, some student victims were prosecuted. Thus, students had particularly strong reasons to resent and fear the rule of political law, under which they were frequently victimized. Tehran student associations issued a statement in February 2001 scornfully denouncing the abuses of political law that had been perpetrated by the ruling hardliners in the name of Islam.³⁸ Because the students voiced protests typical of the views of younger Iranians who have tended to be strong backers of Khatami's reform agenda, substantial excerpts from their statement will be reproduced here. As can be seen from their statement, in their vehement attacks on political law and clerical curbs on democratic freedoms they used concepts akin to those set forth in Mattei's taxonomy. Furthermore, they scoffed at Khamene'i's idea that those ruling the Islamic Republic should be associated with the government of Imam 'Alî, an idealized model of traditional law. They blasted the ills of political law:

The noble nation of Iran, during the four years of crisis [meaning since Khatami's election], reformers, in particular journalists and students, have patiently paid the heavy price of the reforms and have been the sincere partner of the captain of the storm-stricken ship of reforms [meaning Khatami] in the battle against crisis created by the ever-ruling faction [meaning the hardliners].

Gradually, illegal pressure groups gave their place to pseudo-legal groups, and the pressure which yesterday was crushing the reform spokesmen with fist, stick, accusations and curses, is today launching a comprehensive and direct attack against not only the reformist front but against the standard-bearers of justice in the Islamic republic system with court verdicts, fear of interrogators, more accusations and curses. A group of influential people are determined to slaughter justice and fairness in the name of law, and to slay by pseudo-sharia the law which is the manifestation of the vote of the nation and of their elected representatives [here meaning the clerical hardliners' insistence on imposing their version of Islamic law to nullify laws enacted by the popularly elected Majles], and to then freely issue their verdicts. It seems as though what could not be achieved with the stick of stick-bearers yesterday is to be done with the judges' pen.

This time the judicial system has targeted the reformist student movement. It is determined...to take from students revenge for the crushing blow that the Iranian nation inflicted on the ever-ruling faction in the Sixth Majlis elections [in which the reformists had won yet another resounding victory]. It was as if what happened to students at the [Tehran] university dormitory was the disappearance of a shaver which was resolved happily and merrily; and now, in accordance with the prediction of the esteemed president it seems that the accused and the plaintiff are going to change places and those who have raised their voice against stick, baton and bullet will be tried and convicted for raising their voice...

The vigilant people of Iran know full well that confessions that have been made in solitary confinement are not legally or morally acceptable. That is especially because of the way in which the prisoners have been treated. Therefore, whatever is obtained through such confessions is not considered to be credible. Undoubtedly, the way journalists and politicians have been treated since Ordibehesht [here referring to 20 April 2000, when dozens of pro-reform papers were closed after Khamene'i called them bases of the enemy'] shows that their trials were politicized. It is clear that all the judges were members of a certain faction and that all the accused were members of another faction.

In the third millennium, medieval courts of inquisition are trying to discover criminal thoughts and intentions. They convict a certain group of people because of their presence in a certain place, but they acquit others. Expressing one's ideas is considered to be a criminal act and thinking is interpreted as blasphemy.

Reformism is a crime of which no one is acquitted regardless of how junior or senior they are or whether they are ministers or judges. Defending the decision made by the people is considered to be a criminal act and nullifying it is considered to be an honour...

Obviously, under the circumstances, the Iranian nation completely distrusts the judicial system...

The only way to discover the truth is to hold public a trial in the presence of a jury, and the presiding judge should not be a member of the faction which is always dominant...

Can one talk about establishing the kind of justice that Ali, peace be upon him [referring to the Imam Ali, who was invoked by Khamene'i, one recalls, as offering the definitive model of Islamic government], had in mind, while removing the Islamic veil of Muslim women and savagely arresting them?...

Will the Islamic justice system take pride in the fact that university students and their defenders were put on trial and charged with moving their hands and legs while being beaten up by those whom you consider to be our betters!?

In Shi'i thought, the establishment of justice is a self-existent reality and it cannot be proved by what this or that person says. The collective wisdom of our people and public opinion have interpreted the verdicts issued by the judicial system as being unjust. Those verdicts will not become just by making claims or swearing to this or that...

O God, we take refuge in you that we are facing an immense calamity, that the earth has shrunk and the sky has become mean. Your book, the traditions of your prophets and the character of your imams have become toys in the world of your people, righteousness and falsehood cannot be separated and distinguished. Silence is not right, the cry of falsehood has closed the path of betterment and the oppressors have been given open hand. We take refuge from political courts and their verdicts to the of justice and to your capable hands. We only want reform...³⁹

This ringing protest against the rule of political law came just a few months before President Khatami's second crushing victory in the presidential elections in June 2001, which made it even more obvious how fed up most Iranians were with the rule of political law. Realizing how unpopular they were, the hardliners had not even dared to mount a strong campaign on behalf of a particular presidential candidate, knowing that any candidate identified with their faction would certainly be doomed to an ignominious defeat that would further expose their unpopularity.

As of the end of May 2001, there were signs that the cause of the rule of law was advancing despite the hardliners' determined resistance;⁴⁰ Kambiz Noruzi, a pro-reform lawyer, asserted that public opinion was starting to influence judges, asserting that contradictions were becoming apparent in the judiciary as a result of reforms developing across society.⁴¹ A reformist parliamentarian, Ahmad Bourghani, asserted that an irreversible trend had been set in motion due to reformers going around giving hundreds of talks promoting concepts of democracy, individual freedom and the rule of law. In Iran's changed mood, he said: 'All forces, including the judiciary feel they are somehow accountable before people.'⁴²

Responding to the popular anger over political law, the Majles in May 2001 approved a bill that for the first time defined political crimes and required a trial by jury in cases of persons accused of political crimes.⁴³ Both of these reforms could potentially sharply limit the ability of judges allied to the hardliners to use their judicial office to conduct political vendettas against the regime's critics. A test of how far the reform process would be allowed to advance came when this legislation was vetted by the Council of Guardians, which was dominated by hardline clerics. In June 2001, they decided that these reforms violated both the constitution and Islamic law,⁴⁴ effectively telling the public that their view of Islam precluded reforms that would help depoliticize the justice system. In another sign of unresolved tensions over democracy and the rule of law, Ayatollah Khamene'i in June 2001 seemed to create a new crime out of whole

cloth when he suddenly proclaimed that by supporting any person convicted by the judiciary, pro-reform journalists were scratching the face of the courageous judge, 'whose hand one should kiss for issuing a verdict' He went on to warn: 'It is an offence to defend a convicted criminal. In accordance with the law, it is contrary to the law to defend such criminals.'⁴⁵ Khamene'i's readiness to characterize any defense of convicted persons as a crime seemed a sign of acute nervousness about the evaporating credibility of Iran's court proceedings.

Islamization and Political Law in the Region

Western observers commonly fail to see how Islamic law is deformed by being inserted in transitional legal systems where the rule of political law prevails. Islamization programmes like the one in Iran lead to Islamic law becoming associated in casual observers' minds with the rule of political law, the characteristics of which are incompatible with democratic values or the rule of law.⁴⁶ Ultimately, where the stage of political law prevails, Islamization programmes, which purport to revive an idealized version of traditional law, simply mean the subordination of Islamic law, like all other law, to the political agendas of ruling elites. In the process, Islamization eventually forfeits its credibility. However, until this lesson is learned, enthusiastic proponents of Islamization may go on imagining that the pious character of an Islamic ruler and the magical efficacy of certain religious precepts will suffice to guarantee the optimal functioning of the system once Islamization is in place.

For example, powerful Islamist forces in contemporary Morocco seem still to believe that Islamization can automatically solve Morocco's serious problems. A country that needs reforms to dismantle the rule of political law, Morocco, since the 1990s, has been moving unsteadily through a reform process aimed at establishing the rule of law. The deficiencies of the current legal system relate to the difficult and incomplete evolution of the political system in the direction of democratization.⁴⁷

Moroccans are hungry for change, and the large Islamist movement may seem to offer an alternative.⁴⁸ Analysing Moroccan Islamists' diagnosis of oppression, Abdeslam Maghraoui concludes that the Islamists' programme 'is based on utopian assumptions about the political community where members and their representatives always behave in the collective interest simply because they are good Muslims.'⁴⁹ They thereby miss the nature of contemporary political realities in Morocco, because '[s]uch a conception is adequate for small, self-reliant communities where social relations are tight, personal reputation matters and the common good is easy to define. This is hardly the case in the complex politics of the modern nation-state where social needs and ideological orientations diverge significantly.'⁵⁰ That is, Moroccan Islamists, like Islamists elsewhere, tend to think in terms of communities where the rule of traditional law would suffice to govern society and ensure justice.

Maghraoui asserts that Abdeslam Yassine, the leader of the main Islamist group, al-‘Adl wa al-Ihsan, ‘is certain that Morocco’s social problems and authoritarian political system would simply disappear if Moroccans were to return to Islamic teachings and follow a virtuous leader. For Yassine, absolutist rule is acceptable as long as the absolutist leader respects and applies a strict, religious moral code.’⁵¹ As Maghraoui observes, Yassine is no democrat and no serious modernizer. Lacking a belief in democratic principles and procedures.⁵² Yassine clings to a romantic, utopian vision of the ideal government that will automatically flow from the application of Islamic law by a pious ruler. Such visions are common. An analyst of Algeria’s Islamist movements has uncovered a similar utopian mentality among them.⁵³ The systemic problems that concern proponents of the rule of law and the need to establish procedures and institutions to address such concerns are irrelevant in the calculations of proponents of Islamization like Yassine. With no practical project for developing the rule of law, Yassine’s Islamization, if ever implemented, would lead Morocco into a cul de sac like the one in which the Islamic Republic of Iran now finds itself.

Lessons from the Iranian debacle may be too distant to deter Moroccans like Yassine from pursuing their utopian agendas, but in neighbouring Turkey, people’s awareness of the sorry outcome of Iran’s Islamization has placed local Islamists on the defensive. Turks commonly associate Iran’s Islamization with the widespread abuses and repressive practices associated with political law. Turkey is a country with a relatively well-educated and perceptive citizenry that is able to express its views at the polls, Turkey being unusually democratic for the region. Turkey’s Islamists now face the task of disassociating their policies from those of Iran’s ruling clerics and retailoring their message so as to reassure Turks that electing Islamists will not compromise progress towards the rule of law. Thus, in 1999, Oya Akgonenc, a prominent member of the Islamist Virtue Party, tried to present her party’s programme in a way that would put maximum distance between it and Iran’s Islamization. She insisted that the party’s five new principles had nothing to do with religion—involving instead democracy, human rights, civil liberties, a state of law—another term for the rule of law, and sustainable economic development.⁵⁴ That is, one sees that Turkish Islamists, forced to adjust to popular sentiment in Turkey’s democratic system, have calculated that in order to win broader support, they must portray themselves as friends of the rule of law and downplay their interest in applying Islamic law. Showing the parallels in attitudes under Turkey’s secular and Iran’s ‘Islamic’ government, in Turkey, a new president firmly committed to constitutionalism and the rule of law who was at odds with Turkey’s political establishment took office in 2000 and won great popularity among a citizenry fed up with the prevailing system of political law.⁵⁵

To correct any possible misperception that, by emphasizing the Iranian case, Islamic law is being equated here with political law, one can cite analogous problems that occur in countries where opponents of Islamization are in power—

like the criminal prosecution and conviction of Professor Saad Eddin Ibrahim of the American University in Cairo in Egypt in May 2001. The power balance in Egypt is roughly the reverse of the one in Iran, in that in Egypt proponents of Islamization have won great popularity by opposing a despotic and corrupt secular regime. This case reminded the world that the use of courts to mete out a politically-driven form of justice is not limited to Middle Eastern regimes pursuing Islamization. Professor Ibrahim had been singled out for prosecution after setting up an NGO that campaigned vigorously for democratization and human rights and after speaking out against abuses and injustices, demanding greater transparency—the same type of advocacy that has landed so many Iranians in trouble. Ibrahim’s criticisms were seen as an intolerable challenge to the authority of Egypt’s military dictatorship, especially after he insinuated that Mubarak’s rule was changing into an hereditary monarchy.

As is so often the case in countries where the rule of political law is entrenched, the government resorted to the courts to punish its critics, here to ensure that Ibrahim and many of his associates got substantial prison sentences. Ibrahim was convicted of various implausible offences, such as misusing European Union funds—despite EU denials that any such misuse had occurred. The court’s determination to rush to convict him on the basis of the flimsiest evidence and most illogical charges attracted strong international condemnation. Observers generally concurred that Ibrahim and his associates had been selectively singled out for persecution and that his conviction was foreordained.⁵⁶ The eminent Arab-American intellectual, Edward Said, decried the ‘travesty of due process’ in the Ibrahim trial, asserting that the general message of the case for citizens of Arab countries was that ‘our rulers hold that no one is immune from their wrath and that citizens should maintain a permanent sense of fear and capitulation when it comes to authority, whether or secular or religious’.⁵⁷

As Said rightly perceived, given the nature of the systems involved, the problem of due process being trampled on as politicized courts were used as weapons against dissidents would be the same regardless of whether the government involved followed secular or religious policies. Had Ibrahim been an Iranian criticizing Iran’s government or policies, he would have been exposed to a similar politically-driven prosecution and conviction—with the only difference being that in Iran, where critics of the government are typically charged with offences against Islam, Ibrahim would likely have been charged with violating Islamic sanctities, warring against God and his Messenger, spreading corruption on earth, and the like. The use of such Islamic labels should not obscure basic similarities that show that political law is a regional problem, not one that is solely tied to experiments with Islamization.

Conclusion

Mattei's taxonomy helps illuminate the nature of the struggles going on regarding Iran's legal system, struggles that have implications for Islamization programmes elsewhere. Ultimately, these struggles are not so much about Islamic law as they are about whether Iran's legal system will be allowed to evolve. Iran's undemocratic ruling elite exploits Islamization to justify political law, stalling reforms that could produce a system where laws and courts fill the roles that they play in modern democracies, with laws embodying the will of the electorate and independent courts making their rulings and imposing constraints on the government in accordance with legal and constitutional principles.

Despite Iran's pretensions to be pursuing the Islamization, using Mattei's taxonomy helps us to ascertain that Islamic law should not be treated as the central determinant of Iran's post-revolutionary legal system. Islamic law in Iran is more like an epiphenomenon. When one tallies the features of Iran's legal system, one finds that its predominant characteristics mean that it should be classified as a system of political law, with appeals to Islamic law being used as a camouflage or as a legitimating device by those with an investment in maintaining the status quo. In the process, Islamization policy has become equated with retaining a system of political law. Iran's theocratic government has been placed on the defensive by popular demands for respect for the rule of law, the rule of law being the standard against which both the government and the legal system are both being measured and being found wanting by a majority of Iranians.

Although committed to maintaining the rule of political law, Iran's clerical rulers are learning that the association of Islamic law with the rule of political law has costs, alienating people from the very Islamic ideology that they want to use for legitimation. However, it may now be too late to counter the scepticism of Iran's disillusioned citizenry; the credibility and prestige of government-sponsored Islamization measures may have been fatally damaged. With Islamic rationales being repeatedly proffered for the acts of a judiciary that functions not as the arbiter of an impartial justice but as a tool of the apparatus of state repression, Iran's Islamization has fueled pressures for secularization, pressures that could easily explode when and if the ruling hardliners find themselves unable to bottle up the mounting clamor for reform and democratization.

This Iranian experience obviously has implications for other Middle Eastern and North African countries that are contemplating or are implementing Islamization under the illusion that this will solve the problems of political law. With their own legal systems mired in the transitional stage of political law, other countries in the region will find that undertaking Islamization programmes will lead to popular disillusionment and alienation as Islamization becomes identified with the ills of political law. Like Iranians, the peoples suffering under the rule of political law that currently prevails in these countries are fated to learn that the way out of their present morass lies in reforms designed to enhance the

rule of law and shore up constitutionalism, not in ideologies that call for reviving a traditional law like the sharia as it was once applied in the early Islamic community.

NOTES

1. See Mattei, 'Three Patterns of Law' [1997:5–43].
2. See Ann Elizabeth Mayer, 'Reform of Personal Status Laws in North Africa' [1995: 433–46].
3. Mattei [1997:17, 19–22].
4. Ibid., pp.35–8.
5. Ibid., pp.28–33.
6. Ibid., 24–8.
7. A good description of this process can be found in Nathan Brown [1997].
8. Ann Elizabeth Mayer, 'The Universality of Human Rights' [2000:519–36].
9. Ann Elizabeth Mayer [2000:68–78], and see generally, Ann Elizabeth Mayer, 'Islamic Rights or Human Rights' [1996:269–96].
10. For an overview of developments in Iran since 1979 from a variety of angles, see the collection of articles on Iran Since the Revolution, *Social Research*, 67 (Summer 2000).
11. See Human Rights Watch, *Stifling Dissent: The Human Rights Consequences of InterFactional Struggle in Iran*, 13/4 (E) (May 2001) available at <www.hrw.org/reports/2001/iran>.
12. This is summarized from the discussion in Louis Henkin, *Elements of Constitutionalism*, Center for the Study of Human Rights, Columbia University, New York, Aug. 1994.
13. A different and equally plausible approach to developing rule of law would be to focus on systemic features like the autonomy of legal professionals, how members of the judiciary are trained and selected, their terms of office, and rules designed to ensure their independence.
14. 'Khamene'i Delivers First Friday Prayer Sermon Marking End of Solar Year', Tehran Voice of the Islamic Republic of Iran Radio 1 Persian 0808 GMT 16 March 2001 [FBIS Translated Excerpt].
15. Ibid.
16. Asghar Schirazi [1997:64].
17. David Gardner, 'Tehran celebrates a Year of Reform Politics', *The Financial Times*, 25 May 1998, p.3.
18. 'President Khatami calls for greater freedom for all', BBC SWB NE/D3236/MED, 26 May 1998, available in LEXIS, World Library, ALLWLD file.
19. Ibid.
20. 'Khatami Addresses Gathering on Importance of Constitution', BBC SWB ME/D3399/ MED, 2 Dec. 1998, available in LEXIS, World Library, ALLWLD file.
21. 'President Says Judges Must be Impartial, Not Side with Any Group', BBC SWB ME/D3265/MED, 29 June 1998, available in LEXIS, World Library, ALLWLD file.

22. 'Khatami Urges Adherence to the Law in Revolution Anniversary Speech', BBC SWB ME/D3458/MED, 13 Feb. 1999, available in LEXIS, World Library, ALLWLD file.
23. 'President Underlines Need for Independence of Judiciary', BBC Worldwide Monitoring, IRNA News Agency, 27 June 2001, available in LEXIS, World Library, ALLWLD File.
24. 'Tehran Mayor Clashes with Judge as Trial Resumes', *Agence France Presse*, 16 June 1998, available in LEXIS, World Library, ALLWLD File.
25. 'Seventh and Closing Session of Trial of Suspended Tehran Mayor', BBC SWB ME/D3277/MED, 13 July 1998, available in LEXIS, World Library, ALLWLD file.
26. 'Second Round of Controversial Trial Against Teheran Mayor Starts', *Deutsche PresseAgentur*, 11 June 1998, available in LEXIS, World Library, ALLWLD File.
27. 'Iranian Government to Push for Judicial Reform', *Agence France Presse*, 15 July 1998, available in LEXIS, World Library, ALLWLD File.
28. 'Martin Regg Cohn, Jail Awaits Irreverent Journalists', *Toronto Star*, 15 Nov. 1998, available in LEXIS, World Library, ALLWLD File.
29. 'Judiciary Head Says No Freedom Allowed Outside Islamic Law', BBC SWB, ME/D3495/MED, 29 March 1999, available in LEXIS, World Library, ALLWLD File.
30. Ibid.
31. 'Managing Editor of Banned Daily "Zan" Criticizes Head of Judiciary', BBC SWB ME/D3508/MED, 14 April 1999, available in LEXIS, World Library, ALLWLD file.
32. 'Iran claims no party behind political murders,' *Xinhua News Agency*, 20 January 1999, available in LEXIS, World Library, ALLWLD file.
33. Roger Allen, 'Victory for Khatami as Iran's intelligence minister resigns', *The Financial Times*, 10 Feb. 1999, available in LEXIS, World Library, ALLWLD File.
34. 'UN Envoy Calls for Abolishing Iranian Clerics' Court', *Agence France Presse*, 26 Feb. 1999, available in LEXIS, World Library, ALLWLD File.
35. 'Human Rights Commission Seeks "Clear-Cut Response" on Arrested Cleric', BBC SWB ME/D3472/MED, 2 March 1999, available in LEXIS, World Library, ALLWLD File.
36. 'Yazdi Justifies Recent Arrests at Tehran Friday Prayers', Tehran Voice of the Islamic Republic of Iran Radio 1 in Persian 10:30 GMT 20 April 2001 [FBIS Translated Excerpt].
37. Ibid.
38. 'Tehran Council of Office for Fostering Unity Issues Statement,' *Iranian Students News Agency* WWW-Text in Persian 14:06 GMT 28 Feb 2001 [FBIS Translated Text].
39. Ibid.
40. See Guy Dinmore, 'Reform Tide Helps to Wash Rule of the Law into Iran', *The Financial Times*, 31 May 2001, 6.
41. Ibid.
42. 'Youth Rally for Re-election of Iran's Reformist President', *The New York Times*, 4 June 2001, A3.
43. Ibid.

44. 'Iran's Supreme Leader Says Backing Anyone Fingere'd by Courts an Offence,' *Agence France Presse*, 20 June 2001.
45. 'Khamene'i says Judiciary must carry out reforms in its structure', BBC Monitoring Middle East—Political, 29 June 2001, Voice of the Islamic Republic of Iran, Tehran, in Persian 10:05 GMT 28 June 2001, available in LEXIS, World Library, ALLWLD File.
46. See, for example, an essay claiming that Islamic law dictates the way that Iran's ruling clerics resist democratizing reform in Iran: Reuel Marc Gerecht, 'God and Man in Iran,' *The Wall Street Journal*, 7 June 2001, A22.
47. See the analyses and sources cited in Abdeslam Maghraoui, 'Political Authority in Crisis' [2001:12–17]; Susan Slyomovics, 'A Truth Commission for Morocco' [2001:18–21]; Catherine Sweet, 'Democratization Without Democracy' [2001:22–5].
48. Abdeslam Maghraoui has explained the impracticality of the programme that Morocco's Islamists offer. Maghraoui [2001:12–17].
49. *Ibid.*, p.17.
50. *Ibid.*
51. *Ibid.*, p16.
52. *Ibid.*
53. See Lahouari Addi, 'Islamicist Utopia and Democracy' [1992:120–30]. Addi says of the Islamist utopia that 'it stands as an obstacle not only to democracy but also to political modernism in general.' *ibid.*, p.122.
54. See Leyla Boulton, 'Islamist Party Offers Voters a Candidate Without a Headscarf', *The Financial Times*, 9 March 1999, p.3.
55. 'Ahmet Necdet Sezer, a Westward-Looking Turk', *The Economist*, (18 Nov. 2000), p.64.
56. An excellent account of this case was published in Mary Anne Weaver, 'Egypt on Trial', *The New York Times Magazine*, 17 June 2001, pp. 46–51, 71–2, 83.
57. Edward Said, 'Enemies of the State', *Al-Ahram Weekly*, no.539, 21–7 June 2001, www.ahram.org.eg/weekly/2001/539/op10.htm.

Arab Government Responses to Islamic Finance: The Cases of Egypt and Saudi Arabia

RODNEY WILSON

The growth of modern Islamic banking since the 1970s has posed a dilemma for governments in the Arab world, as there was suspicion about whether those behind the movement also had a political agenda, but there was also a realization that the Islamic finance could potentially contribute to capital formation and economic development. As a consequence, while some Arab governments were openly hostile to Islamic banks, with Syria, Iraq, Libya and Algeria refusing to allow such institutions to operate, other governments, notably in Jordan, Tunisia and the Sudan saw Islamic finance more opportunistically, as a means of attracting capital inflows from the oil rich countries of the Gulf where there was greatest enthusiasm for this new form of interest-free banking.

In this study attention is focused on Egypt and Saudi Arabia, both of which have been crucial for contemporary Islamic financial developments. The Egyptian government's policy has alternated between hostility, opportunism, and an attempt to manipulate and control the movement for its own purposes. In Saudi Arabia, despite the regime's supposed duty to uphold the shari'a law, Islamic banks were not permitted to operate within the kingdom until 1987, and even then it was with extreme reluctance that only one institution was tolerated. As in Egypt, although there was widespread popular support for Islamic finance, the government has been obstructive, and has been quite willing to discredit the movement even though some members of the royal family were involved, notably Prince Mohammed bin Faisal.

An Islamic Third Way?

Not surprisingly, in view of government hostility and suspicion, Islamic economic ideas and the Islamic finance movement have had only a limited impact on the economies of the Arab World. Popular support for Islamic finance is seen as part of a wider popular agenda by political Islamists, which could threaten and undermine the state itself. Islamic economists see the application of their ideas as a third way, neither capitalist or socialist, but drawing on the religion and traditions of the region.¹ They argue that imported economic systems have not worked in the Arab World, as the very poor economic performance of the twentieth century clearly demonstrates, but governments that

are dependent on western financial support and accountable at least in some degree to international institutions such as the IMF and WTO are increasingly isolated from important sections of their own populations.

Arab governments still enjoy freedom of manoeuvre, and it would be incorrect to assume that their economic sovereignty is being steadily eroded by globalization. Indeed, as Charles Tripp asserts, they have a role as arbitrators between international institutions and their own peoples.² Governments in the region have always been skilled at negotiation and at extracting maximum economic advantage from any political cards that they had to play, for example being front line states with Israel or being major oil suppliers to the West. This is not the role envisaged for the state by political Islamists however, and Islamic economists have a very different vision of development than to simply follow the path of the largely secularist West.³

So far, Islamic economists have still to win the battle for ideas, and the implementation of the type of policy they recommend has barely even started. It is nevertheless evident that the economies of the region are not self-sustaining, job creation is inadequate to absorb the ever-increasing population of working age, capital flight continues in response to high assessment of country risk by the wealthy of the region and the business mentality is characterized by rent seeking behaviour with too few examples of entrepreneurial initiative. There are no Arab multinational companies, partly because businessmen are unwilling to look beyond their own national boundaries except for imports, and governments are reluctant to see competing centres of economic power. There is an economic policy vacuum in much of the region, and although Islamic economists may not be able to fill this in the short or even the medium term, the vacuum will eventually be filled by some alternative policies if conventional economic prescriptions continue to fail to deliver.

It may be misleading, and indeed mistaken, to take the view that there is an inevitable conflict between western capitalism and an Islamic economic system and that the two represent competing alternatives. Both systems are evolving, and both encompass many variants. The juxtaposition of Islamic economics and western capitalism has yet to be determined in the Arab world, and indeed indigenous capitalism has already taken on some features that are consistent with Islamic economic principles and may well take on more. Western governments may find it difficult to endorse Islamic social norms, and are against many aspects of Islamic criminal law, but there is more scope for co-operation in the economic and financial field. The systems may be different, yet, at least some of the development objectives are shared.

The events of 11 September 2001 and their aftermath have profoundly influenced attitudes towards the West in the Arab World, and in Egypt and Saudi Arabia in particular, where there has been much opposition to United States actions in Afghanistan and what is regarded as opportunistic actions by Israel against the Palestinians. The effects of the detention and questioning of many students from Saudi Arabia in the United States has also had a negative effect, as

has the freezes on bank accounts as part of the campaign against money laundering. Many wealthy Saudi families with substantial dollar-based assets feel increasingly insecure, especially as they have already suffered from the decline in equity values, and now they see their cash holdings as threatened. In these circumstances many are liquidating their western assets and either bringing their money home or seeking other Muslim markets in which to invest. As private assets owned by Gulf nationals and businesses worth an estimated \$700 to \$900 billion were held in dollars, the effects of repatriation on the Gulf economies could be considerable.⁴ The Islamic finance industry, which has already has assets worth \$190 billion, is one obvious destination for these funds.

The State and Islamic Banking in Egypt

One means of assessing the impact of Islamic economic thinking in the Arab world is to examine particular sectors, the banking and financial sector being the focus here, as this is the field in which Islamic economists have most to say. The prohibition of *riba*, or interest, is central to Islamic economic teaching, and a number of shari'a compliant alternative methods of financing have been developed which appear to be financially viable. Most Arab governments have been prepared to tolerate Islamic banking, but apart from the Sudan, there has been no attempt to convert the conventional banking system to Islamic financing methods through the enactment of legislation prohibiting *riba*. Such legislation was passed in Iran in 1983 and in Pakistan General Zia promised similar legislation, but it was never enacted.

In the Arab World special regulations were introduced to permit new Islamic banks to be established, but mostly this was either opportunistic, or simply a reluctant response to leading Muslim businessmen who wished to see experiments in Islamic finance instigated. The earliest experiment in Islamic banking in the Arab World was by Ahmad al Najjar, an Egyptian, who started an Islamic bank in 1963 in the small delta town of Mit Ghamr.⁵ As the banking system was nationalized under Nasser, al Najjar realized that it would be difficult to win government approval for a private independent bank, and that designating it as an Islamic bank might create even greater suspicion especially as a member of the Muslim Brotherhood, Mahmud Abdul Latif, had attempted to assassinate Nasser in 1954 which resulted in the organization being banned and 18,000 of its members imprisoned.⁶ Nevertheless, al Najjar managed to persuade the Economy Minister, Dr A. Raissouni, to allow the bank to start operations, and be regulated by a specially established Municipal Savings Banks Association that was responsible to the deputy Minister of Economy rather than the Central Bank of Egypt.

The Mit Ghamr Savings Bank was successful in mobilising savings and winning customers in the Nile delta area where it was based, as it attracted peasants, artisans and urban workers who had not hitherto used banking facilities, as they had no collateral to offer. The Mit Ghamr Savings Bank provided small

loans to these low-income groups, but there were few payments defaults, as moral pressures could be applied from within the close-knit local Islamic community to ensure that borrowers acknowledged their financial obligations. No interest was levied on borrowings, but the Ministry of Economy and Financial Affairs provided a subsidy that enabled the bank to cover its costs. Over 10,000 depositors were attracted, this being a precondition for obtaining a loan. Those facing hardship had only to repay the loan principal, but where credit was advanced for commercial ventures, the bank shared in any profits generated. Similarly depositors with investment accounts shared in the bank's profits, but those with liquid savings accounts, which could be withdrawn on demand, received no return.

The relative success of the bank attracted hostility from leftist members of the Arab Socialist Union under 'Alī Sabri.⁷ They were concerned that it would increase the power of Islamic activists in the countryside and undermine the party's own secularist socialist programme. Sabri argued that if the bank was part funded by the Ministry of Economy and Financial Affairs, then it should be brought under the direct control of the state.⁸ Rumours were circulated that there were financial irregularities within the bank, although these were denied by al Najjar, and never investigated by the authorities. Nevertheless, al Najjar was ousted as director of the bank, and the Organisation of Insurance, a state body, was given charge of its operations. Subsequently, two managers were appointed from the Central Bank and the state owned National Bank of Egypt to run the bank. They converted its operations to an interest basis, destroying the Islamic character of the institution.

Islamic Banks as an Instrument of Government: The Nasser Social Bank

'Alī Sabri became Vice President of Egypt under Sadat, but he was dismissed from his post in May 1971 as Sadat alleged that he had been planning a coup.⁹ With the demise of 'Alī Sabri, al Najjar wasted no time in making a second attempt to start an Islamic bank in Egypt. This time the government was more receptive to his ideas, and the Nasser Social Bank was established under a special statute, Law 66 of 1971, which meant that it did not have to register with the Central Bank or be regulated by it.¹⁰ The authorities were reluctant to appoint al Najjar to head the bank, as it wanted a manager who could be relied upon to follow government policy, but al Najjar was given the position of deputy general manager,¹¹ as it recognized his name and enthusiasm for banking to serve the poor was essential for the bank's success. The first general manager of the bank was Dr Abd al-Aziz Hijazi, a former Egyptian Prime Minister who knew little about Islamic banking, but who was a trusted establishment figure.¹²

The government was reluctant to designate the bank as Islamic, hence the secular name, but the bank's operations involved financing that complied with the shari'a law that most of its clients respected. As its name implied, the Nasser

Social Bank had a social mandate to focus on financing activity that would benefit society, but unlike the Mit Ghamr Savings Bank which served a rural constituency, the focus was on the urban proletariat. The aim was to provide modest loans to urban traders, construction and household repair companies and those with small manufacturing workshops, while harnessing the savings of those of limited means. The stress was on helping ordinary Muslims, rather than the emphasis simply being on complying with shari'a law while serving the same constituency as conventional banks.

The Nasser Social Bank has steadily expanded but has never become a major force in Egyptian banking, largely because the government has limited its capital base to under \$74 million. The bank has only been able to attract around \$65 million in deposits as returns are modest and most of those obtaining funding have few surplus funds to place in a bank. Most customers only place deposits with the bank because opening an account is a prerequisite for receiving financial assistance. By 1996 the bank had 30 branches and almost 1,600 employees, with a concentration of activity in Cairo, but a presence in most major towns.¹³ The bank nevertheless only accounts for less than two per cent of deposits in the Egyptian banking system, and its main role seems to be as a niche player, working with non governmental organizations which are approved of by the government, and keeping a distance from independent Islamic organizations.

It is only through government subsidies that the Nasser Social Bank is able to maintain its financing operations. The bank had around \$370 million in assets in 1996 that represented funds advanced, almost six times the level of deposits, which demonstrates the extent of state support. The bank works closely with the Ministries of Social Affairs and Awqaf and the Social Fund for Development, the major government provider of funding to the poor, which receives considerable assistance from overseas aid agencies involved in poverty reduction programmes. The Nasser Social Bank lends rather providing aid, however, its task being to finance income-generating programmes. In 1999 it provided assistance to 30,000 low-income families the beneficiaries including the disabled, with loans worth almost \$12.5 million disbursed.¹⁴ Managers from the bank have participated in seminars on poverty organized by Al-Azhar University as well as conferences organized by government ministries on social development.

It is clear that one of the bank's roles is to devise schemes that are attractive to Egypt's foreign donor community. As Egypt's 14,738 nongovernmental organizations (NGOs) have been encouraged by the government to shift from being charities to providers of micro-finance, the Nasser Social Bank is seen as playing a role, through both co-funding and by setting an example through its own financing methods.¹⁵ The bank has also played a role in assisting small businesses run by women, and most recently, with respect to alimony under the Personal Statutes Bill of 1999. This Bill tries to ensure that divorced women and their children receive payments from their former husbands of up to 60 per cent of his income. The Nasser Social Bank provides a bridging loan to women whose former husbands refuse payments, until a court ruling is obtained for the

collection of the payments.¹⁶ This was not the type of role the founders of the Nasser Social Bank envisaged for an Islamic institution, but it demonstrates how flexible such institutions can become in implementing a liberal social agenda.

The experience of the Nasser Social Bank demonstrates how far the Egyptian government has not only been able to take over ideas from those interested in promoting Islamic finance, but has successfully controlled the agenda, and adapted an Islamic institution to serve its own purposes. It has pre-empted other similar initiatives, and ensured it has an agency, the Nasser Social Bank, that can be used to influence NGO activity and involvement with the low-income Muslim masses. The bank plays a major role in the collection and disbursement of *zakât* (alms) funds in Egypt, as it has over 5,000 affiliated *zakât* committees that determine how funds are used in each locality.¹⁷ Each year foodstuffs worth over \$8 million are purchased and given to the poor, and in addition over \$10.5 million is distributed to over a million needy families. The Nasser Social Bank is the government's 'window' on this activity, which enables it to be monitored, if not directly controlled.

Opportunistic Responses to Islamic Finance: The State and the Faisal Islamic Bank of Egypt

Prince Mohammed bin Faisal, a leading member of the Saudi Arabia royal family, with a long-standing interest in Islamic economics and finance, was keen to promote Islamic banking. Frustrated by the failure of Islamic banking to develop in Saudi Arabia because of the sceptical attitude of the leading members of the royal family, he turned his attention to Egypt and the Sudan, where he believed his money might have more influence. Born in Taif in 1937, the eldest son of Princess Iffat Al-Thonayyan, he always had an interest in Red Sea ventures, being one of the main backers of the Red Sea Development Company that was founded in 1974,¹⁸ but was subsequently wound up due to the problems of getting ambitious agricultural projects started in Sudan in particular. Prince Mohammed bin Faisal was the first member of the Saudi Arabian royal family to secure a university degree, having graduated from Princeton with a BA in Economics and Business Administration in 1963. He subsequently worked for the Saudi Arabian Monetary Agency, where he learnt about banking regulation and had an overview of how the Saudi banking system, then dominated by the National Commercial and Riyadh Banks, functioned.

The 1970s were an important period for Prince Mohammed, as he was appointed Director of the Saline Water Conversion Department and then Deputy Minister of Agriculture and Governor of the Saline Water Conversion Corporation after its formation in 1974. This gave him much experience of project management, and in many respects he became a model technocratic Prince. Being distant from the throne, however, and with only marginal political influence, Prince Mohammed focused ever more on his business interests, and his ambition to be the leading pioneer and financial backer of the Islamic

banking movement. In July 1997 he had to resign from his ministerial posts and governorship of the Saline Water Conversion Department, and since then most of his energies have been directed at the promotion of Islamic finance.

A special law, number 47 of 1977, was passed by the Egyptian Parliament, which permitted the Faisal Islamic Bank of Egypt to operate as a private commercial bank.¹⁹ Unlike the Nasser Social Bank, the new institution was to be regulated by the Egyptian Central Bank, although the bank was to have an Islamic designation in its title, and operate in accordance with the shari'a Islamic law. This remarkable turn around in government policy, permitting private commercial banking, and recognizing an institution as Islamic, has to be seen in the context of the economic changes brought about by Sadat, and in particular the Infitah Open Door Policy, that aimed to attract Arab and foreign capital into Egypt so that the country could profit from the oil price rises of 1974 and the consequent revenue boom for the Arabian Peninsula countries.²⁰ Saudi Arabia became the major financial benefactor, with a \$161 million loan from the Saudi Development Fund, major equity investments in the Suez Mediterranean Pipeline, the Alexandria refinery, hotel construction and defence projects, as well as grants for Suez reconstruction and road projects.²¹ Against this background, it was not surprising that the Egyptian government was willing to support a novel and unusual banking experiment vigorously supported by a Saudi Arabian Prince.

There was a two-year lag between the law being passed authorising the Faisal Islamic Bank to operate and the opening of the bank in Cairo on 5 July 1979. Prince Mohammed Bin Faisal was promised originally a 15-year exemption from all taxes for the bank, but this was subsequently reduced to two years.²² There were three reasons for this change in policy. First government officials argued that the tax concessions were excessively generous and that 15 years was unnecessarily long for planning purposes. Secondly, a number of conventional joint venture banks has been established as a result of the Infitah Open Door Policy such as Banque du Caire Barclays International which was established in 1975, but criticism was mounting that these banks were largely involved in import finance and played little part in the funding of domestic industries or exports. Although the Faisal Islamic Bank was a different type of undertaking, many officials regarded it as similar to the conventional joint venture banks. Thirdly, following President Sadat's visit to Jerusalem and the peace treaty between Egypt and Israel, relations with Saudi Arabia became more difficult, and although Prince Mohammed Bin Faisal remained committed to the Egyptian venture and his associates in Egypt were highly critical of Sadat's foreign policy initiatives, this did not help the image of the bank with the Egyptian authorities.

The Faisal Islamic Bank of Egypt had 51 per cent of its capital subscribed by Egyptian nationals and 49 per cent by Saudi Arabian and other foreign Muslim shareholders. In addition to private investors the Egyptian Waqf Authority owns a ten per cent stake in the bank, giving the government a significant minority interest. Prince Mohammed Bin Faisal is Chairman and principal shareholder,

and Dr Ahmed Al Najjar, although not in a position to contribute to the capital, was also on the board of directors. Other prominent directors included Ahmed Abdel-Maggid the Egyptian businessman and politician and Sheikh Haider Bin Laden of Saudi Arabia who was heavily involved in construction projects, including the building of mosques.²³ The bank has been well capitalized, and by 1996 its paid-up capital was \$100 million and total assets were almost \$1,900 million.²⁴ By 1999 total assets amounted to over \$2 billion, with deposits exceeding \$1.67 billion, although this was only a modest increase from the 1991 figure of \$1.58 billion.²⁵ Earnings from banking services exceeded \$9 million, and earnings from investments \$8 million.²⁶ The bank has 15 branches throughout Egypt and over 1,200 employees, virtually all of who were Egyptian.²⁷

Unlike the Nasser Social Bank, which serves a social function, and concentrates on those with low incomes, the Faisal Islamic Bank of Egypt is involved largely with trade finance, much of its activities being dollar based. Depositors tend to be those engaged in small or medium-sized businesses, or those in professional positions. The average size of deposit was around \$8,000 to \$12,000 during the 1980s, a substantial size for a low-income country such as Egypt.²⁸ Depositors were attracted to the Faisal Bank because of its Islamic credentials and the reputation of its shari'a committee, who are respected Islamic scholars, notably Sheikh Mohammed El-Sheikh and Dr Ali Hasan Youness. The focus, however, is on compliance with shari'a law rather than trying to engage in a different type of banking, serving an ethical purpose or promoting development. Its operations, apart from some *zakât* collection and disbursement, are purely commercial, and similar to other joint venture banks, the bank's major distinguishing feature being its Islamic nature.

The Faisal Islamic Bank of Egypt produces audited accounts annually and is monitored by the Central Bank of Egypt, but the extent of its financial breakdown of assets and liabilities is limited and its income and expenditure categories are very broad. Overall its corporate reporting is far from being transparent, and there have been a number of reports of financial irregularities regarding the bank. The bank was heavily involved with the Bank of Credit and Commerce International (BCCI),²⁹ the so-called bank of crooks and criminals, an Abu Dhabi-based but Pakistani-run multinational bank that collapsed in 1991 amid allegations of money laundering.³⁰

In April 2000, a member of the Egyptian parliament, Fayez El-Tinikhi, a ruling National Democratic Party member from Beheira governorate, was stripped of his parliamentary immunity for allegedly issuing three bad cheques for a total of \$220,000 to repay a loan provided by the Faisal Islamic Bank.³¹ It was the bank that reported the fraud, but the bank's judgement in providing such a large loan to a ruling party parliamentarian with dubious business interests was questionable. The links between the Faisal Bank and the government remain close. On 10 October 2001, the President of the bank, Abdel Hamid Mohamed

Abu Moussa, was nominated for the position of governor of the Central Bank of Egypt, the first occupant from a private bank to hold the post.³²

Egyptian Government Indecision on Islamic Finance: From Laissez-Faire to Discrediting and Containment

It is evident that the interaction between the state and the Faisal Islamic Bank of Egypt has affected both parties, as although the Faisal Bank remains a relatively small institution, its influence on government has been much greater than its size might suggest. Initially Sadat allowed the bank to start because it suited the government's purposes in developing relations with Saudi Arabia and attracting inward investment. At the same time the government wanted to control and infiltrate the organization. One of its former managers was Dr Fuad al-Sarraf, a previous deputy Prime Minister under Sadat, who had little knowledge of Islamic finance, but who was regarded by the government as a reliable person.³³ Following the Peace Treaty with Israel, Sadat wanted to assert his Islamic credentials as a counterbalance. Hence, on 26 May 1980, a referendum was held to change the constitution so that the shari'a could be recognized as the source of Egyptian law. This was obviously consistent with what the Faisal Islamic Bank was implementing in the financial sphere, although there was no attempt to prohibit riba from the rest of the banking system.

Under President Husni Mubarak successive Egyptian governments have been even more cautious in their approach to Islamic finance, as it is viewed as a means of satisfying some of the demands of those urging the more widespread application of the shari'a law, while at the same time not applying the law in practice to the mainstream financial system. Indeed there has been a rather hands off approach to much Islamic finance in Egypt, as although the Nasser Social Bank is owned by the state, and the Faisal Islamic Bank is regulated by the Central Bank, albeit rather loosely, there was no attempt at all to control the numerous Islamic investment companies that sprang up throughout Egypt during the early 1980s, possibly because regulation was always perceived in Egypt as being more about the interests of the state than about protecting ordinary bank depositors or investors. Some authors, notably Clement Henry, have argued that it was the delays in reforming the financial sector and liberalising the foreign exchange system under Sadat and Mubarak that resulted in the emergence of Islamic investment companies that gained much of the remittance money from Egyptians working in Saudi Arabia and the Gulf.³⁴ While the state-owned banks paid meagre interest, and the profit-sharing returns from deposits in the Faisal Bank were disappointing, the informal investment companies promised huge returns.

Over 50 Islamic investment companies competed for remittance business, the largest being the Al Rayan and Saad Companies. The companies were largely run by black market foreign exchange dealers, as no expatriate Egyptians wanted to convert foreign currency into Egyptian pounds at the official rate through the

formal banking system, especially as the authorities turned a blind eye to unofficial transactions. The high rates of profits paid to Islamic investors were funded from new inflows of deposits, however, not from profitable deployment of capital, and consequently as is inevitable with such pyramid schemes, a slowdown in inflows after the oil price declines of the mid-1980s caused the system to collapse.

At their peak, the 33 largest Islamic investment companies had attracted 435,000 accounts and deposits worth \$1.47 billion, a much more substantial sum than that deposited with the formal Islamic banks.³⁵ Once these unregulated companies collapsed, the Central Bank of Egypt refused to take any responsibility for depositor's funds, and most account holders lost all their savings. Those behind the collapse were prosecuted, but this was used by some in the Egyptian government to smear the Islamic finance movement as by this time its campaign against Islamic terrorists was at its height, and although there were no proven links with the Islamic investment companies, the authorities were more than happy to see the two associated in the public mind.

The problems confronting the Islamic finance industry in Egypt were made worse by the appointment by a new Rector of Al-Azhar University in 1989, Dr Muhammad Sayed Tantawi. Traditionally the holder of this position is regarded as the most influential religious authority in Egypt, and a major figure in the Islamic world. Tantawi ruled that the interest paid by conventional banks on deposits should be regarded as profits rather than usury or *riba*.³⁶ The implication of this ruling was that there was no difference between Islamic and conventional banks. No surprisingly Tantawi's *fatwa* was denounced by Islamic scholars in the Gulf who were much more supportive of Islamic finance, with Sheikh Yusuf Qaradawi, an Egyptian-born, but Doha-based, Islamic scholar leading the attack.³⁷ Despite these criticisms, the Tantawi *fatwa* still stands, although its main consequence has been to undermine the authority of Al-Azhar, with the rulings of the Fiqh Academy in Jeddah being much more respected throughout the Sunni Muslim World, including their *fatwa* that all interest receipts or payments constitute *riba*, and are therefore prohibited.

There have been consistent criticisms of Islamic finance from the Egyptian government owned daily newspaper *Al-Akbar Al-Yawm*, with editorials and articles accusing Egypt's Islamic banks of religious hypocrisy and poor performance. There is no doubt this has inhibited the expansion of the Faisal Islamic Bank in particular in the 1990s, although the Egyptian state-owned conventional banks which offer Islamic deposit facilities have continued to expand their business. In 1981, Bank Misr first offered such facilities, partly because it did not want to lose business to the Faisal Bank, but also because although it was a state-owned bank. Prior to its nationalization by Nasser, it had served as the bank to Egypt's Muslim business community and many pious landlords, and was associated with the Wafd political party.³⁸ It seems the bank's disposition towards catering for its Muslim clients when it was a private bank survived nationalization, no doubt because some of the staff in the 1980s were

the children, and in some cases the grandchildren of former bank employees. In contrast, the Bank of Alexandria, an institution that prior to nationalization had catered for the Greek community and the Coptic Christians, made no attempt to introduce Islamic banking in the 1980s or subsequently, even though by this time most of its staff and clients were Muslim.³⁹

In the case of Bank Misr, Islamic deposits represented 12.3 per cent of the total by 1991, worth around \$660 million, and the bank had 24 dedicated Islamic branches out of a total of 348 branches. Despite being state-owned, Bank Misr enjoyed considerable operational autonomy, and was free to develop Islamic products as it felt appropriate, but although it offered *murabahah* trade financing and *mudarabah* profit-sharing financing, Islamic advances represented less than one per cent of the total.⁴⁰ It is unclear how the gap between the substantial Islamic deposits but limited Islamic advances is met, and the extent to which there is comingling of Islamic with conventional finance within the bank. Many Muslim depositors were attracted to the bank because it was state owned and, therefore, they regarded it as safe, especially after the Islamic investment company collapses, but there was no independent regulation for shari'a compliance.

By the late 1990s, the direction of Egyptian government policy towards Islamic finance was more unclear than ever. Dr Tantawi had handed over to a new President of Al-Azhar, Dr Wasil, a former Professor of Islamic Law in the university who had condemned Dr Tantawi's views on the permissibility of interest in a book that he had written.⁴¹ Many hoped that Dr Wasil's appointment was a sign that the government was becoming more favourably disposed towards Islamic finance, and the application of the shari'a law more generally. On becoming Grand Mufti, however, Dr Wasil arranged to have his book withdrawn from circulation, as he considered it his duty to support the original *fatwa* that he stressed was associated with the office, not the holder. It seems there was no policy shift, but once again the government has succeeded in co-opting into power and then silencing its Islamic opponents.

Ibn Saud's Policy on Banking

In Saudi Arabia, shari'a law nominally governs all aspects of commercial life, including financial transactions, but in practice banking operations are similar to those in western countries, although there is a significant Islamic finance sub-sector, which has existed informally since the origins of Muslim civilization in the Arabian Peninsula, and formally since the 1980s. Unlike in Egypt, western banks were not interested in securing a presence in the kingdom in the pre-oil era, as the size of the economy was very small and traditional money-changers and moneylenders had captured what limited business there was. The Ottoman Bank, a Franco-British institution, which had expanded throughout the Arab world in the late nineteenth century, and had established a branch in Alexandria in 1867, did not see it as worthwhile to expand its branch network to the Arabian Peninsula.⁴²

Ibn Saud, the founder of the kingdom, was suspicious of banks and saw little need for such institutions, and the Wahhabis were well aware of the prohibition of *riba* and hostile to the notion of foreign institutions serving local Muslims. There were in any case numerous money-changers in the Hijaz serving the pilgrims visiting Mecca and Medina mostly only from a single establishment, but some, notably the Mahfouz and Musa Kaki families, had several outlets in different geographical locations. The finance of imports from the United Kingdom and the British Empire was handled from the Jeddah office of the trading firm of Gellatly Hankey that acted as agent for the British overseas banks from the 1920s.⁴³ The first foreign banking institution was Dutch, which opened in 1928 largely to provide money-changing facilities for pilgrims from Java in the Dutch East Indies.⁴⁴ It was referred to as a trading company rather than a bank, as the King objected to a designation of a bank because of its *riba* connotations, but in practice it carried out a range of banking functions. Bank Misr of Egypt applied for permission to open a bank in Jeddah in 1936, both to serve Egyptian pilgrims and Red Sea trade, but its request was turned down, as there was suspicions amongst the ruling family regarding Egyptian intentions, and it was felt that if a banking licence was to be granted for a substantial operation, it should be to Saudi Arabian nationals.

In 1937, the Mahfouz and Musa Kaki families petitioned the king to grant permission to let them establish the first locally owned bank, and subsequently the following year the Kaki Salih Company, later renamed the National Commercial Bank, opened for business in Jeddah with 51.5 per cent of the capital owned by Bin Mahfouz and the remaining share by the Musa Kaki family. In many respects the new institution was similar to the traditional money changers with whom it competed, but as a formal bank, it was able to issue letters of credit on behalf of Saudi Arabian merchants, which represented guarantees to western exporters that payments would be made, either by the importers, or the bank itself in case of default. Although the bank was unregulated, foreign banks, knowing that it had the support of the King, were prepared to accept its letters of credit on behalf of their exporting clients.

The government itself conducted much of its foreign exchange business through the Netherlands Trading Company largely because it could secure longer deferred payments terms, as in the early years of oil production revenues were modest. In the late 1940s, oil revenues increased considerably, and although some payments were received in silver and gold, there was an increasing supply of dollar notes. The French Banque de l'Indochine, which had extensive dealings in precious metals in South-east Asia, offered to exchange the dollar notes into gold sovereigns and silver riyals at favourable rates of exchange for the King. The bank already had offices in Djibouti on the African side of the Red Sea, as well as in Lebanon and Syria, and in 1947, the King gave his permission to Christian Delaby of the bank to open a branch in Jeddah, which was established the following year.⁴⁵

Sheikh Abd Allah Sulayman, King Ibn Saud's Finance Minister, increasingly realized that this haphazard approach of relying on foreign banks for the government's own financing needs was unsatisfactory, but there was also a reluctance to favour one group of local financiers such as the Bin Mafouz family at the expense of others. The main problem confronting the government was the variation in the price of silver, on which the riyal was based, with gold, on which the Saudi sovereign was based. Britain's ambassador advocated the establishment of a currency board, similar to those in many British colonies, and a treasury official was dispatched from Whitehall to make the case for a Saudi dinar, to be at parity with the pound,⁴⁶ with the kingdom, like its neighbours, Iraq and Egypt, part of the sterling area.

The King distrusted the British, and was not enthusiastic about either paper money or links to the sterling area that would have curtailed convertibility. He, therefore, turned to the Americans for advice as they provided much of the oil revenue and were already heavily involved in the kingdom. Arthur Young, a financial expert from California, was dispatched to the kingdom in 1951 to head a mission on currency reform. He recommended the establishment of a monetary agency, which would serve the government, regulate the banks, and issue a new currency, the Saudi Riyal, which would be linked to the dollar, and hence directly with gold. This was much more attractive to the king and Sheikh Abd Allah Sulayman than a link with sterling, which was not linked to gold, and which had just been devalued from \$4 to \$2.8 to the pound. The Saudi Arabian Monetary Agency (SAMA) opened in 1952, and functioned successfully along the lines envisaged by Young.

It is clear from these developments that the King was mainly concerned with not being exploited by foreign colonial interests, but that there was a degree of practicality when it came to securing deals with Dutch and French institutions, and a willingness to listen to American advice. Nevertheless, Islamic teaching on the haram nature of interest transactions was respected, and there was much debate on how the new monetary agency advocated by Arthur Young should be designated. Sheikh Sulayman, the Finance Minister indicated to Young that the King would have to be assured that the new agency would not deal in interest, and that the designation 'bank' could not be used.⁴⁷ Young suggested the term financial agency, but the King rejected this proposal and in the end the term monetary agency was agreed. Under chapter 3.7 of the charter of the new agency, all paying or receiving of interest was prohibited,⁴⁸ as was the issue of currency notes, although the latter was subsequently dropped.

The Development of Commercial Banking in Saudi Arabia

Despite article 3.7, SAMA was less concerned with promoting Islamic finance than performing normal central banking functions, notably with providing the government through Sheikh Sulayman with advice on financing issues, and acting as a regulator of the commercial banking system. The Kaki Salih

Company changed its name to the National Commercial Bank, and started to expand its branch network throughout the kingdom. The British Bank of Iran and the Middle East was allowed to open branches in Jeddah and Al Khobar in 1952, and in 1957, a second locally owned bank opened, the Riyadh Bank, introducing a degree of competition in the market for banking services.⁴⁹ Most depositors maintained current accounts with the banks that paid no interest, and borrowers paid arrangement fees for their loans and annual service charges that were in practice very similar to interest.

Ambitious merchants and minor members of the Royal family increasingly pressured the commercial banks for loans, which it was difficult to refuse given how politically influential such clients were. There was also a reluctance to repay loans on time by unscrupulous businessmen, some of who cited the Islamic prohibition of *riba* to justify their delays and evasions, even though they were fully aware of the terms of the funding at the time the loans were taken out. The Riyadh Bank as it attempted to build market share by gaining new clients was especially subject to these pressures, and in 1964 it nearly became bankrupt.⁵⁰ The government had to intervene to save the institution by injecting fresh capital and taking a 38 per cent equity stake so that provisions could be made for bad debt.

It was realised that a more lasting solution was needed, as if the banks were simply baled out of all difficulties this created moral hazard problems, as there would be no incentive to be vigilant over lending policy. Consequently the Banking Control Law of 1966 was passed that precluded banks from lending to their own directors or auditors or in investing directly in company stock in excess of ten per cent of the total shareholding.⁵¹ There was a potential conflict between these provisions and the Islamic concept of *musharakah* participatory financing whereby a financier can form a partnership with an entrepreneur, but as neither the National Commercial nor the Riyadh Banks offered such Islamic facilities in any case, this legal safeguard did not matter. Of greater significance for the banks was the requirement that they deposited 15 per cent of their deposit liabilities with SAMA, funds on which they would earn no interest.⁵² This provision was in the interests of depositor protection rather than motivated by Islamic considerations.

After the oil price rises of the mid-1970s and the greatly expanded volume of funds in the Saudi Arabian financial system, there was pressure from the foreign owned banks to expand their branch networks, partly to serve the financial needs of the expatriate community, and finance imports from their countries of origin. The government was reluctant to permit the expansion of foreign banks, partly because it was concerned with criticism from religious leaders about interest-based institutions having an ever more visible presence in the heartland of Islam. The government's solution was to pass the Bank Saudization Act in 1976, stipulating that the foreign banks had to incorporate within the kingdom and offer 60 per cent of their shares to local citizens.⁵³ Hence, First National City

Bank became Saudi American Bank, British Bank of the Middle East became Saudi British Bank and Banque de l'Indochine became Saudi French Bank.

Unlike the former foreign banks, the Saudized institutions were allowed to expand their branch networks. As competition for deposits grew, savings accounts were introduced which paid a percentage return, although this was not described as interest. Savings accounts only accounted for less than ten percent of total deposits in 1978,⁵⁴ but, by 1990, the proportion had increased to over half.⁵⁵ As a consequence, although the shari'a law applied nominally, in practice, there was little difference between how banks operated in the kingdom and conventional western banks. Ownership was, however, more concentrated, with, for example, over 30 per cent of the shares in Al-Bank Al-Saudi Al-Hollandi owned by three princes.⁵⁶

Co-existence of Conventional and Islamic Finance in Saudi Arabia

The governments own financial difficulties with declining oil revenues also resulted in a move away from Islamic finance and encouraged the emergence of conventional financing instruments. SAMA issued government development bonds in 1988 on behalf of the Ministry of Finance and National Economy. The return on these was theoretically linked to the profits on unspecified investment projects, but in practice was directly linked to the returns on US treasury bonds, with a 0.2 per cent premium on two-year issues and a 0.5 per cent premium for longer issues. In November 1991, SAMA issued treasury bills with maturities running up to one year, which effectively paid interest, even though the term was not used because of Islamic sensitivities.⁵⁷ This westernization of the Saudi financial system was far from what Ibn Saud would have envisaged or approved. The only real concession to Islamic finance by SAMA was to employ Umer Chapra, the well-known Islamic economist, as its financial advisor. In practice, he spent most of his time on academic writing, and was rarely asked for practical advice.

SAMA's attitude to Islamic finance was typified by the difficulties experienced by Al-Rajhi, the largest money exchange dealing and remittance transfer institution in the kingdom, in obtaining a banking licence. In 1983, Al-Rajhi sought a licence to become the kingdom's first designated Islamic bank, as they wanted to diversify into accepting deposits and undertaking financing. The exchange and remittance businesses involved charging fees rather than interest, and the Al-Rajhi's, being a devout family, wanted the new bank to avoid *riba* transactions. It was realized in SAMA, however, that if Al-Rajhi was given a licence and designated as an Islamic bank, this would imply the other financial institutions were non-Islamic. Therefore, SAMA refused the application, but eventually after much lobbying granted a licence in 1987 on condition that Al-Rajhi would not use the word Islamic in its title.⁵⁸

Subsequently, the Al-Rajhi Banking and Investment Corporation became the world's largest Islamic commercial organisation with assets worth over \$10 billion. By 2000, Al-Rajhi was the most profitable bank in Saudi Arabia, with 363 branches, 457 cash dispenser machines, the largest branch network in the kingdom, and 2,283 electronic point-of-sale facilities in retail establishments. There are, however, frequent allegations in the kingdom that its high profits reflect the absence of returns being paid to depositors, the implication being that devout Muslims who wish to avoid receiving *riba* are simply being exploited, while Al-Rajhi undertakes profitable financing. It is still not allowed to stress its Islamic character in its promotional materials, although it has become increasingly involved with government. In 1999, it completed a \$1.5 billion contract for the finance and construction of 400 schools from the Ministry of Education and the General Presidency for Female Education, and in the same year it financed the Al Shuaibaa electricity project in the Western Region for a similar amount.⁵⁹ The governments need for private finance, privatization and public private partnerships open up new possibilities for institutions such as Al-Rajhi, and it is possible to envisage a creeping Islamization of government finance in Saudi Arabia, even though there has been no actual policy decision by the state.

It is paradoxical that although SAMA has a very cautious attitude towards Islamic finance within the kingdom, the Saudi Arabian government and some of the leading local businessmen have been keen to promote this type of financing elsewhere in the Islamic world. Prince Mohammed Bin Faisal was not allowed to open a banking network in the kingdom, but he proceeded to fund a network of banks internationally bearing his name, including the Faisal Islamic Bank of Egypt that was discussed earlier and *Dâr al Maal al Islami* in Geneva, an institution with assets exceeding \$3.5 billion.⁶⁰ Similarly, Sheikh Saleh Kamel, the founder of the Dallah Al Baraka group, established banks and investment companies internationally, but these are not represented in the kingdom, even though this is where the finance originates for all these ventures.⁶¹

The major Saudi Arabian government contribution to Islamic finance was its sponsorship of the Islamic Development Bank (IDB). An agreement was reached by the finance ministers of the Organisation of the Islamic Conference in December 1973 to establish the Islamic Development Bank, which subsequently started operations in Jeddah in 1975. By 2000, the paidup capital of the IDB was almost \$8 billion, and it had approved trade financing arrangements worth over \$15 billion and project finance valued at more than \$6.5 billion, as well as 340 technical assistance operations.⁶²

The IDB does not finance projects in Saudi Arabia, but the kingdom has benefited indirectly as almost one-third of the trade financing by the IDB has been for oil imports, with one of the original aims of the new institution being to assist poorer Muslim countries without oil resources to pay for their essential imports, especially after the oil price rises of 1973–74. In recent years, trade financing has involved a diverse range of commodities including industrial

intermediate goods (\$3.2 billion), vegetable oil (\$900 million), refined petroleum products (\$769 million), fertilizers, phosphoric acid and potash (\$465 million), rice and wheat (\$459 million) and cotton (\$367 million). All these figures refer to cumulative financing over the 1975–99 period. Project finance has become increasingly important for the IDB in recent years, with much of the funding provided through leasing, (*ijara*) hire purchase (*ijara wa-iqtina*) and advance purchase financing, (*istisna*). Almost one third of project finance has been for public utilities such as power generation plants, electricity transmission, and water treatment and distribution facilities with over \$1.5 billion used in this way over the 1995–99 period. Social projects account for a further quarter of the total, including schools and hospitals, with around \$1.2 billion disbursed over the 1995–99 period. Other project funding over the same period was for transport and communications (\$1 billion), industry (\$850 million) and agriculture (\$800 million).

Conclusion

Both the Egyptian and Saudi Arabian governments have been reactive rather than proactive towards Islamic finance, with much indecision as to how best to respond to this experiment in applying shari'a law to modern finance. In Egypt, the movement itself has a strong social purpose, with the stress being on how to help the poor who are outside the scope of the banking system. In Saudi Arabia, users of Islamic finance are usually from the richer sections of the society, including members of the royal family, but the stress is more on legal compliance rather than social purpose. There is little difference in how conventional and Islamic finance is employed in the kingdom. Al-Rajhi and the National Commercial Bank, for example, offer shari'a compliant mutual funds to Saudi Arabian investors by, but much of the investment is in the United States, with virtually none of these funds deployed in poor Muslim countries.⁶³ Admittedly, the Islamic Development Bank does assist these countries, but Saudi Arabia because of its own budgetary constraints has been unwilling to increase the banks resources in recent years.

It is evident that governments in both countries have attempted to control and use the Islamic financial movement for their own purposes. This has been two-edged, however, as the supporters of Islamic finance have their own agenda, which includes making governments accountable under shari'a law for their own financial activity. The greatest opposition and scepticism has come from the central banks, with both the Central Bank of Egypt and SAMA unhappy with institutions that have to be at best monitored under special regulations, and in some cases, as with the Nasser Social Bank, outside their regulatory authority completely. As has been noted, no Arab government, apart from the rather exceptional case of the Sudan, has attempted to convert its entire banking system to Islamic finance as Iran did in 1983, and as the governments in Pakistan have indicated it would, although not actually implemented. Certainly there seems

little prospect of the shari'a law governing all financial transactions in Egypt or Saudi Arabia in the foreseeable future, even though in the case of the latter, this is the position in theory.

NOTES

1. See Al-Sadr [2000:35]; an-Nabhani [2000:13]; Chapra [1992:5–7].
2. Charles Tripp, 'States, Elites and the "Management of Change"', in Hakimian and Moshaver [2001:211–31].
3. See Chapra [2000:49–50].
4. Brad Bourland, 'Outward Flows, Inward Investment Needs in the GCC' [2001:49–51].
5. Ann Elizabeth Mayer, 'Islamic Banking and Credit Policies in the Sadat Era' [1985: 32–50], reprinted in Niblock and Wilson [1999:389–407].
6. See Stephens [1971].
7. See Cooper [1982:37–8].
8. See El-Ashker [1987:158].
9. See Cooper [1982:69–70].
10. See Mayer, 'Islamic Banking and Credit Policies in the Sadat Era' [1985:40].
11. See El-Ashker [1987:159].
12. See Mayer, 'Islamic Banking and Credit Policies in the Sadat Era' [1985:42].
13. Data source: *Directory of Islamic Banks and Financial Institutions* (Jeddah: International Association of Islamic Banks, 1996).
14. Gihan Shahine and Khaled El-Fiqi, 'Will, Wisdom and Work', *Al-Ahram Weekly*, Cairo, 453, 28 Oct.–3 Nov. 1999.
15. Mariz Tadros, 'Leviathan Revisited', *Al-Ahram Weekly*, Cairo, 500, 21–27 Sept. 2000.
16. Amira Ibrahim, 'Hope on the Horizon', *Al-Ahram Weekly*, Cairo, 420, 11–17 March 1999.
17. 'Government Business', *Al-Ahram Weekly*, Cairo, 510, 30 Nov.–6 Dec. 2000.
18. See Sabri [2001:63–5].
19. See Mayer, 'Islamic Banking and Credit Policies in the Sadat Era' [1985].
20. See Amin [1995:114–15]; Hansen [1991:116].
21. See Ahmad [1976:108–9].
22. See Mayer, 'Islamic Banking and Credit Policies in the Sadat Era' [1985:46].
23. Arab Banking and Finance Directory, 1995–96, (Bahrain: Tele-Gulf Publications, 1995) p.167.
24. *Directory of Islamic Banks and Financial Institutions*.
25. See Galloux, 'Finance Islamique privée en Egypte', in Piccinelli [1994:223].
26. 'Faisal Islamic Bank Set for AGM, Changes Financial Year End', www.islamiq.com, Dubai, 12 Feb. 2001.
27. 'FIBE Expands Operations With New Branch in Zagzid City', www.islamiq.com, Dubai, 23 March 2001.
28. See Elias Kazarian, 'Finance and Economic Development' [1991:165].
29. See Henry [1996:252].
30. See Wilson [1983:64–9].

31. Ibid.; 'To Resign in Shame', *Al-Ahram Weekly*, Cairo, 479, 27 April–3 May 2000; Gamal Essam El-Din, 'New Strategies for New Faces', *Al-Ahram Weekly*, Cairo, 482, 18–24 May 2000; 'Hands in the Cookie Jar', *Al-Ahram Weekly*, Cairo, 485, 8/14 June 2000.
32. 'Islamic Bank Head Nominated to Assume Post of Central Bank Governor', *www.Islamiq.com*, Dubai, 11 Oct. 2001.
33. See Mayer, 'Islamic Banking and Credit Policies in the Sadat Era' [1985:47].
34. See Henry [1996:262–3].
35. Ibid. [1996:262–3].
36. See Galloux [1997:159–66].
37. Editorial, 'Islamic Finance in Egypt', *Islamic Banker* [1997:2].
38. Marius Deeb, 'Bank Misr and the Emergence of the Local Bourgeoisie in Egypt', in Kedourie [1976:69–86]; Wilson [1983:28–38].
39. See Galloux [1997:159–66].
40. Ibid. [1997:171–2].
41. Zaki Badawi, 'The Iranisation of Egypt' [1999:16–17].
42. See Wilson [1983:19].
43. Rodney Wilson, 'The Evolution of the Saudi Banking System', in Niblock [1982:280].
44. See Johany, Berne and Mixon [1986:150–52].
45. History of Al Bank Al Saudi Al Fransi, *www.alfansi.com/English/Cocod/History.htm*.
46. See Young [1983:29–30].
47. Ibid. [1983:61–4].
48. Ibid. [1983:145].
49. See Presley and Wilson [1991:18–19].
50. See Wilson [1983:88].
51. Banking Control Law, Royal Decree No. M/5, 22/2/1386 AH, articles 9 and 10.
52. Ibid., article 6.
53. See Abdeen and Shook [1984:134].
54. Saudi Arabian Monetary Agency, *Annual Report*, 1398, Riyadh (1978) p.34.
55. See Wilson [1983].
56. See Moliver and Abbondante [1980:93].
57. See Wilson [1998].
58. Ibid. [1998:238].
59. Al-Rajhi Banking and Investment Corporation, *Annual Report*, 1999, p.12.
60. Rodney Wilson, 'Three Decades of Modern Islamic Banking', *Arab Banker* 16/2 (2001), p.39.
61. In 2001, Al Baraka's international banking operations were to be merged with those of the International Investor of Kuwait, an Islamic investment company. The new company was to manage assets worth \$3 billion, with Al Baraka having a 35 per cent stake. See *New Horizon* 119 (London: Institute of Islamic Banking and Insurance, July 2001) 24. In 2002 the merger was called off due to supposed differences in corporate culture.
62. IDB Annual Report 2000, *www.islamic-banking.int*.
63. See Al-Shaikh [2000:5–12].

Islam Interactive: Mediterranean Islamic Expression on the World Wide Web¹

GARY R.BUNT

This contribution discusses the effects of the Internet on Muslim expression and self-representation in Mediterranean contexts, focusing on the articulation of Islamic political ideals and notions of Muslim religious authority within the fluid parameters of 'Mediterranean Islamic expression'. While there may at present be a 'digital divide' between a minority of Internet users and others in the region(s), the medium is sufficiently relevant for it to be the focus of concern, particularly in relation to how political and religious concepts are discussed, depicted and 'exported' to a (potential) global audience. This account surveys selected Cyber Islamic Environments, and focuses on the current and future impact of the World Wide Web within Mediterranean Islamic contexts.

Mediterranean regional levels of Internet access, discussed in the *United Nations Human Development Report 2001*, indicate relatively low levels of Internet access and availability within non-'western' Mediterranean contexts.² Statistics are problematic, in that there is no specific source relating directly to 'Muslim Mediterranean' levels of access, and that term in itself is contentious, and perhaps would be most useful when considering Muslim Mediterranean spheres of influence. These may be substantially extended through the application of the Internet, although the region is also potentially susceptible to wider external influences through the Internet (and other forms of media). If the Muslim Mediterranean term is being applied within the context of those nation states with Muslim majority populations geographically situated on the Mediterranean, then the following statistics provide indicators of the levels of access available in the year 2000: Turkey had 2.5 Internet hosts per 1,000 of the population, Lebanon 2.3, Jordan had 0.2, Egypt, Morocco and Syria had 0.1; Tunisia, Algeria and Libyan Arab Jamahiriya are unclassified. Palestine was not listed, although Israel had an index of 43.2; the highest Arab Muslim level of Internet hosts was the United Arab Emirates, with 20.9 hosts per 1,000 people.³ The population of 'Arab States' as Internet users was estimated at 0.6 per cent (compared with a world percentage of 6.7 per cent, and a United States use level of 54.3 per cent).⁴ Elsewhere, it was estimated that three to four per cent of Turkish people were Internet users.⁵

The report suggests that the 'digital divide' is not only between nations, but also within them, and that there can be broad discrepancies between regions.⁶

Clearly, generalizations about ‘Mediterranean Muslim’ Internet usage are not necessarily useful, as the diversity of usage and patterns of access are influenced by a number of regional and cultural factors. For example, in Egypt, 80 per cent of usage was attributed to people living in Alexandria and Cairo.⁷ The cost of using the Internet is an obvious factor influencing these levels, but may not be the only reason. In a report on Internet usage in Egypt, Mohamed A. El-Nawawy suggests a number of possible deterrents to the growth in the medium’s usage, and that Egypt is ‘lower than its arithmetic and logical prorata share’ compared with other Arab states. However, he does not believe that infrastructure, individual income, language, or cultures are necessarily primary deterrents: ‘The primary deterrent for Internet users growth in Egypt is an individual awareness and education factor.’⁸

Another important factor is the importance of ‘the relationship between the government, the ISPs [internet service providers], and the telecommunications service providers’ in the development of Internet services. This point was made by Wolcott and Goodman in relation to Turkey (and Pakistan), but these factors are relevant in other Mediterranean Muslim frameworks.⁹

This writer has discussed elsewhere the religious and political factors influencing the development of Internet access within Muslim contexts.¹⁰ In particular, the pronouncements by ‘authorities’ on the Islamic legitimacy (or not) of the Internet have combined with political strategies, often articulated utilising religious ‘values’ and concepts, which have sought to engineer specific forms of what are described by this writer as Cyber Islamic Environments. These may contain elements of specific Muslim world-views and notions of exclusivity, combined with regional and cultural understandings of the media and its validity. These pronouncements have often been tempered with a realism, which recognizes a need to have a voice in cyberspace, in order to propagate values and views within the information marketplace.

The evolution of using the Internet as an ‘Islamic tool’ has been observed in a relatively compressed historical period, and can be seen within various Mediterranean Muslim contexts. Despite the low levels of access and availability of the Internet, the medium has been drawn upon by governments, organizations and individuals, both as a means of articulating views to domestic audiences, as well as networking and propagating views for international readership. Some sites are focused entirely on small cultural, political or religious groups, rather than general audiences. Unique forms of access to readers can be acquired, thus transcending conventional communication networks, and opening up new opportunities for dialogue and dissemination.

While English has been seen as a primary Internet language, and has been applied extensively, the Mediterranean Muslim Internet arena has been affected by the substantial growth in on-line Arabic language materials, together with the development of extensive Turkish and French language resources. Questions may be asked as to levels of readership, or how these materials influence societies and individuals. The design and development of user-friendly interfaces

of Islamic political and religious, which are searchable and easy-to-navigate, can facilitate new levels of access to online materials. However, it is one thing to present a website; it is another entirely for it to be read. Anecdotal evidence suggests that a significant number of surfers may not necessarily have religion on their minds when using the Internet:

At an Internet summit in the United Arab Emirates (UAE) earlier this week, temperatures rose when a Jordanian-based new media professional told a panel of experts that 80 percent of Internet traffic in the Arab world heads for sex sites.

At the International Summit on Internet and Multimedia in Abu Dhabi, UAE, Ramzi El Khoury, a journalist and founder of an Arabic-language Internet portal, suggested that strict controls within the Arab world only serves to make porn sites an even more compelling destination for Arab users.¹¹

Such a conclusion does not relate exclusively to Arab or Mediterranean Muslim Internet usage. El Khoury's analysis does not seem to be based on substantive data, but it does raise some interesting questions. What is the importance of Islam in cyberspace, compared with other diversions available to surfers? Those Islamic pages which simply reproduce what is available to hear within a local mosque may not be particularly relevant to an urbanized surfer. However, exposure to new ideas and concepts, or even radical notions of Islamic identity and articulation, would seem to have a place online. Pages that have dynamic designs, applying intelligent use of HTML and other page-making tools, can offer provoking and attractive interactive 'Islamic' experiences. The most visited Islamic sites often provide online experiences comparable with the major players on the World Wide Web, drawing on the principles of intelligent intuitive design and ease of navigation in order to convey their message. Some Islamic sites within Mediterranean Muslim contexts are at the cutting edge of technological application, and certain governments, organizations and individuals have invested substantial time and capital in acquiring the skills and technologies required to present themselves on the web to their greatest advantage. Some sites may have highly qualified professional staff, although dedicated volunteers produce others.

Acquiring knowledge about the relevance of the Internet in Mediterranean Muslim frameworks requires the methodological integration of traditional Islamic Studies related disciplinary approaches with new techniques required to analyse cyber space. Academics from diverse disciplines are formulating approaches towards the subjects associated with Islam in cyberspace. One important example is a project entitled 'Ethnicity, Politics and Transnational Islam: A Study of an International Sufi Order', organized by the Centre for the Study of Islam and Christian-Muslim Relations, University of Birmingham. This project incorporates a component on the utilisation of the Internet as a

networking tool for the Naqshbandi Sufi *tariqa* (order) led by Shaykh Nazim al-Qubrusi al-Haqqani, which has strong links with The Lebanon. A central theme is the way diverse communications tools, including the Internet, have been used to develop and maintain cohesion within the dispersed Sufi order. The detailed analysis and monitoring of a specific Islamic group, such as this *tariqa*, should produce experiential dimensions to add to knowledge about the medium and its impact on Muslim societies. The association of the Internet with the *tariqa*'s history of dispersal, added to the order's esoteric and at times secretive background, should draw out some interesting aspects of Cyber Islamic Environments.¹²

Anthropologist Jon Anderson has written about the impact of the Internet on 'transnational communities', particularly Arabs, and has discussed the influence of the 'media explosion' on Islamic discourse.¹³ In 1997, he evaluated the impact of the Internet on Iraqis, and suggested that '[T]he Internet facilitates but does not determine a process of rethinking Islam's social reach, which is already underway.'¹⁴ It may now be necessary to re-evaluate this construct, especially given the new forms of discourse, electronic dissemination and information gathering that have emerged. Anderson's themes are related to issues developed by (and which he has worked in conjunction with) Dale Eickelman. Particularly relevant is Eickelman's analysis of media, such as that contained in his collaborative work with Anderson, and separately with James Piscatori, which have considered the impact of various forms of media on diverse Muslim settings and historical frameworks.¹⁵

The impact of the Internet on Arab societies has also been discussed by Jon Alterman, in work which introduces themes associated with the impact on Arab diaspora societies, the increased information flow, the impact on state censorship, and how US interests can engage with the Arab media in order to influence public opinion.¹⁶ Other research that relates to Islam and cyberspace includes work by the Arab Information Project, Georgetown, which has produced a website linking to a series of detailed and technologically centred regional case studies on Internet development in the Middle East. Some of these are class assignments for students at the University of Georgetown, whilst there are also hyperlinks to other materials by subject specialists from outside of the institution.¹⁷ Peter Wolcott and Seymour E. Goodman of Stamford University have undertaken sophisticated comparative technical analysis on applications of the Internet in Pakistan and Turkey, although much of the technical content is beyond the remit of current research specifically on cyber-Islamic environments.¹⁸

In terms of academic studies of Islam and the Internet, Lenie Brouwer, Deborah Wheeler, Peter Mandaville, Matthias Brückner and Rüdiger Lohlker, all of who draw on diverse disciplinary frameworks, have undertaken detailed research.¹⁹ These sources are useful in reaching an initial understanding of cyber-Islamic environments, and it is hoped that there will be further work by a broad range of academics on this subject. It is important to emphasize that studies of Islam and cyberspace should transcend the so-called 'Arab world', and be

representative of a broad range of Muslim sources and Islamic interests, drawing on different beliefs and academic interests. While this writer does not make a distinction between 'Muslim' and 'non-Muslim' writers in this regard, studies of the Internet and its application made from within Islamic contexts should provide further insight and contribute to dialogues. In earlier research, this writer identified the need for a broad overview of Islam in cyberspace, but there is now a demand to focus in on specific issues of concern, while retaining awareness of the 'bigger picture'.²⁰

The analysis of Muslim political expression online forms part of the wider discussion about Islamic identities, particularly as some ideologues make little distinction between 'religion' and 'politics' in Islam. Muslim politics is a dominant feature of cyber-Islamic environments at present. Political parties and organizations within the Mediterranean region, including those with well-defined Islamic agendas, have developed web sites as a means of conveying their message. This has by no means superseded traditional forms of political expression, but has been a means through which conventional boundaries and barriers can be transcended. Opposition voices, often creating websites outside of the direct influence of governments, have been able to propagate their perspectives through channels that are difficult to censor or block. Some governments have begun to invest in filtering and censoring technologies, one result of which has been an increase in the ingenuity of opposition platforms. The use of hacking and cracking of systems has been integrated into political activism, both at individual and group levels, notably by pro-Palestinian supporters attacking what they perceive as pro-Israeli targets.

Despite such 'cat-and-mouse' activities proliferating on the Internet, a broad range of Muslim expressions associated with Mediterranean Islamic spheres of influence can be located online. The development of online *khutbahs* or sermons, either transmitted 'live' or recorded and uploaded onto websites, has extended the audiences for several imams. Specific interpretations of Islam, justifying political and religious actions, can also be located online and are frequently updated. They can contain news, chat, and networking opportunities that go beyond the traditional ideological and religious frames of reference of many organizations. Frequently, these are networked to other platforms operating similar sites on related issues.

There are some notable absences, primarily for reasons of censorship and disruption from hackers and crackers. The Muslim Brotherhood's presence on the Internet is currently subdued, although there is a substantial amount of analytical and other material available about the organization. There has been a UK-based site operating under the Muslim Brotherhood banner, part of the Islamic Gateway, but it was unavailable to download at the time of writing.²¹ A limited collection of writings by Hassan al-Banna featured on the Prelude Islamic site.²² A Muslim Brotherhood Information Centre had not been updated since 1996. Unsurprisingly, there is little in the way of content hosted in Egypt on the organization. The Al Jihad Islamic Group of Egypt was similarly silenced.

Questions may emerge as to whether these sites are 'Islamic' or 'Muslim' in nature, and how they are identified and interpreted by a diverse global readership? The skill of their designers in enhancing an organization's online profile, for example, through effective use of web design tools or multimedia, can even exaggerate the importance or profile of an organization. The notion of an 'online e-jihad', if the term is applied in its militaristic sense, suggests that using the sword of HTML (hypertext mark-up language) may be more effective for an organization than the use of a Kalashnikov. In 2000, the shooting of Muhammad al-Durra by the Israeli Defence Forces was rapidly represented on the World Wide Web. Traumatic film of the youth's death was immediately highlighted on major Islamic emailing lists, and featured on many websites.²³ This augmented other media coverage, and enabled organizations to place their own interpretation and analysis of the event.

The Internet has allowed the circulation of opinions, even when a party is proscribed, such as in the case of the Islam-oriented Fazilet (Virtue) Party in Turkey. A constitutional court closed the party in June 2001, but its website continued to operate, including a speech from M.Recai Kutan, Chair of the Party, relating to the party's enforced closure. Kutan's parliamentary status altered to that of an independent member, and he continued to publish his views online using a Turkey-based URL.²⁴ Members of the Virtue Party also expressed their views online; Merve Kavakci, who had been a Member of the Turkish Parliament, participated in a 'live dialogue' question and answer session on the U.S. based Islam Online website, in which she was able to articulate her opinions about the Party's exclusion from Parliament and respond to questions from surfers based in Belgium, Egypt, United States and Turkey. She sought to present the Virtue Party as a victim of oppression, particularly in regard to freedom of expression, and compared her party's perspective with that of 'secularists':

In the past, the secularists were the ones who wanted to be part of Europe in the name of Contemporarism, yet the Islamists were on the opposite end. But recently, the secularists, especially the military members had a change in view and expressed that the standards of Europe as far as human rights are concerned were excessive for the Turkish people wouldn't be able to handle this much freedom. The Islamists, on the other hand, are pushing towards membership of the EU so that the Turkish people can have an opportunity to lead their lives as decent human beings with freedom of expression, freedom of religion, freedom of praying or wearing hijab. As we became a candidate in 1999, the EU has asked Turkey to improve in human rights issues and eliminate the violations and discriminations.²⁵

This 'live dialogue' allowed participation from surfers, and was also preserved on the Islam Online website.²⁶ Earlier incarnations of the Virtue Party, such as

the Islamic Welfare Party Refah (under the leadership of the Islamist politician and former Deputy Prime Minister Necmettin Erbakan) closed in 1997 but continued to have a web presence and be discussed.

Other forms of Muslim political expression find voice online which avoid governmental controls or censorship. This is particularly true with perspectives associated with Algeria, including websites connected with the Front Islamique du Salut (FIS) political party, which 'won' the 1992 Algerian election, and its militaristic wing, the Armé Islamique du Salut (AIS). AIS announced their dissolution in January 2000. The wing does not have a specific web presence online. FIS were themselves in conflict with another militaristic opposition organization, the Group Islamique Armé (GIA or El-Djamaa El-Islamia El Mosalaha). During this writer's research in 1998–2000, GIA-related sites were inaccessible, which indicated one possible example of censorship online. An (allegedly) related American Islamic Group (AIG) was also 'closed' at the time of research. The writer considered that it was feasible that the GIA could locate a friendly server over time, in order to promote their message globally, and that this absence could have been a temporary one.²⁷ This situation did not seem to have changed in 2001.

FIS continued to present itself online, although one English language site (registered in the USA) had not been updated since 1999.²⁸ The paucity of information on this site may be a result of the complementary, better-developed FIS site registered in Lausanne, Switzerland, featuring Arabic, French and English material.²⁹ This site regularly includes new content. There is a forum and chat room for discussion, and a selection of audio clips from leaders recorded in 1991. On occasions, the links 'jump' between languages, and there are some differences between the content of different language zones. Defining the 'Islamic' nature of the site depends on the criteria applied to make such a categorization: there is a quote in Arabic associating FIS with jihad, Islam and Muhammad, but a brief survey of existing content in different language zones suggested that there was little in the way of what could be described as direct religious propagation or symbolism (a proportion of the site was 'down' at the time of writing).

The FIS 'jihad' against the army and government in Algeria is couched in political symbolism and language, emphasizing the massacres that have taken place in the country and how 'democratic' rights have not been observed. The 'El Minbar' (The Pulpit) section features political analysis and discussion, rather than sermons. This raises interesting notions of what is 'religion' and what is 'politics', how the two concepts are seen as closely linked or synonymous by some Muslim interpreters and commentators, and how they can be integrated when presented online. There was a presidential amnesty issued by Abdelaziz Bouteflika in 1999 for members of militaristic groups in Algeria, which resulted in the surrender of 5,500 members of various groups between July 1999 and January 2000, but did not negate the continued pronouncements of FIS. Other militaristic platforms with an Islamic agenda in Algeria, such as the Army of the

Prophet Muhammad, the United Company of Jihad, and the Armed Islamic Movement (AIM). Islamic League for Preaching and Holy War (Ligue Islamique de la Dawa et du Jihad, LIDD), and the Movement for an Islamic State (MIS) did not appear to have an obvious web presence.

Muslim political organizations associated with Palestine have had a sustained territory on the Internet, with support and online participation drawn from Muslim Palestinians and other sympathizers. These sites illustrate the spectrum of 'Islamic' opinion associated with Palestinian issues. During 2000, there was also a mushrooming of associated 'e-jihad' activities, where pro-Palestinian groups and individuals were hacking primarily Israeli targets. The growing sophistication of such attacks led to what was described as a 'cyber-war', which strained (and occasionally buckled) Israeli computer systems.³⁰ Muslim websites were also victims of hacking, including principal organisations associated with the intifada. Despite this, they managed to maintain some form of web presence in 2001, although at times this necessitated a shifting of online location and the construction of firewalls to keep out unwanted intruders.

Hamas continued to propagate its opinions online, although the Unofficial Hamas Website disappeared after being hacked. The 'official' Hamas site, The Palestine Information Center (registered to an address in Lebanon), is a well-designed and resourced site, continually updated with news and 'communiqués'.³¹ The number of languages used has expanded, and now the site publishes in Malay, Russian, and French—as well as Arabic and English. The Arabic site contains the greatest amount of coverage and is updated more frequently. For example, in August 2001, pictures of 'martyrs' who had been killed as a result of their activities (directly or indirectly associated with Hamas) were placed on the site shortly after their deaths, together with posters depicting them in front of pictures of the Al-Aqsa Mosque.³² It also showed a poster of seven activists who were targets of assassination by the Israeli Defence Forces.

The site also reacted quickly to changing events: for example, there was immediate coverage of the August 2001 bombing of a Jerusalem pizza parlour—although the site accredited the bomb to Islamic Jihad.³³ Throughout the pages, there are powerful images of the Palestinian victims of conflict, and these too are regularly updated.³⁴ Religious justification for activities was also provided, including a fatwa from the influential Qatar-based cleric Yusuf Qaradawi relating to martyrdom (this was not on the English pages at the time of writing).³⁵ Palestinian Islamic Jihad do not seem to have their own website; the URL has been taken by the Al-Quds Audiovision, who describe themselves as 'the official worldwide media outlet of Ahlus Sunnah wal Jammah'.³⁶ 'Islamic Jihad' is a term used by a number of organizations internationally. Al-Quds is the Arabic-Islamic term for Jerusalem.

In 1999, the Islamic Association for Palestine—produced by expatriates in Texas—also had a website containing Arabic-language news in Arabic, pictures and patriotic songs. However, during research in 2001, the site was often unobtainable due to the results of hacking. Information was conveyed via Yahoo

Groups, with several messages and press summaries being issued on a daily basis.³⁷ The site had featured a more overtly religious perspective, including detailed opinions on Jerusalem's position within Islam, based upon interpretation of the Qur'an—focusing on the Al-Aqsa mosque.³⁸

The 'official' Hizballah website has survived several attempts to hack it, despite occasional interruptions, and provides another example of Muslim political activism as expressed online. Despite the changes in the region, and Israel's withdrawal in May 2000, the format and content of the English pages had been consistent since 1999, and the site continued to provide updates of news relating to Hizballah and associated activities. The Arabic pages opens with pictures of Hizballah's 'victory' against Israeli forces. The amount of updated material was limited.³⁹ The nature and percentage of directly 'Islamic' content is difficult to determine, and there are no links to Qur'an sites, or application of overtly 'Islamic' images. The underlying theme of *jihād* is prevalent, so in a pervasive sense the site remains a militaristic interpretation of 'Islamic' values in action. The site's content suffered when it was allegedly attacked, according to web master Malek Hossein, not by Israeli hackers but by a politically motivated 'insider' at the site's Atlanta-based ISP. Hossein subsequently sought to change to a Lebanese server, as a form of protection.⁴⁰ Other online activities against Hizballah and associates included the WizeL site (based in the USA) that offered a facility which easily enabled visitors to send e-mails to flood and shut down Hizballah's pages. This led to a defensive strategy by Hizballah supporters, with a Defend the Resistance page enabling similar attacks on selected Israeli sites. Hizballah's own strategy had been to apply recourse to legal channels to prevent the ISP hosting such attacks.

The Hizballah-related Islamic Resistance Support Association site continued to incorporate information about its activities in Arabic and English. There was a limited amount of updated material in English, compared with the writer's 1999 survey, and this perhaps reflects the transition of group activities and strategies following May 2000. The Arabic pages were regularly updated with news and reports.⁴¹ The site was actively soliciting for donations (to a bank account in the Lebanon). The site continued to observe Israeli 'aggression', while also maintaining areas of its site such as the Martyrs' Gallery, a trend that also features on other websites.⁴²

The Internet is facilitating the expression of views that may have a political or religious component, but operate outside of major organisations, enabling a networking with similar interests which may influence local policies. One contentious issue is the notion of 'Gay Muslim' identity, which traditional interpreters may see as anathema to Islam, based on their interpretations of the Qur'an and other sources (as well as cultural factors). There was an aggravated reaction to the Gay Egypt English language website. The site had been centred on lifestyle issues, offering an online escort and dating service, transliterated Gay Arabic slang (differentiating between Cairo, Luxor and Aswan), hotel listings and reviews, and Egyptian Gay History.⁴³ Gay Egypt's creators, Sami Gamal and

Gameel Gebreel were imprisoned in February 2001 for setting up the website. The subsequent arrest in May 2001 of 52 men on charges of 'perversion' on board a Nile riverboat, *The Queen*, later became a central feature of the website, which had previously been more centred on lifestyle issues.

The site followed the men's trial closely. It also reproduced supportive documents, for example, one signed by 35 US senators addressed to President Hosni Mubarak, disapproving of the men's arrest, and indicating the negative effect this could have on US-Egyptian relations (notably in the granting of US foreign assistance).⁴⁴ The site received substantial support from the Al-Fatiha Foundation, a significant US based website for lesbian, gay, bisexual and transgendered Muslims.⁴⁵ Gay Egypt also publicized support rallies, for example one in Geneva, Switzerland, and monitored the press coverage of the trial. They published letters for and against a tourist boycott of Egypt. Much of this publication activity was possible because a proportion of content was generated or published outside of Egypt. The owner of the Gay Egypt domain lived in London, and the site's server was outside of Egyptian governmental control.⁴⁶ Egyptian ISPs might filter Internet content, although technically competent surfers would be able to transcend these boundaries. There was evidence that the Internet was also being utilized by security services seeking to entrap gay men, according to 'Horus':

...recently, they began arresting homosexuals though the Internet by going to matchmaker sites and making false dates with gay men.'

Horus said that until arrests on board *The Queen* the gay community had begun coming out on the Internet, albeit anonymously. Now most of the emailing lists have closed down and Egyptian gays, Horus said, will go 'back in the close'.⁴⁷

Gay Egypt is by no means the only gay site with a Muslim constituency operating from a Mediterranean reference point. For example, Bint El Nas describe themselves as 'two queer-identified women of mixed Arab heritage. Specifically we claim roots in Palestine, Turkey, Syria and Ireland, as well as the US' who operate for a constituency 'who are identified ethnically or culturally with the Arab world, regardless of where they live'.⁴⁸ This identification is important, given the fluidity of Internet identities. The site is in a magazine format. One issue 'ocused on religious themes, and was entitled 'Ya Allah!' (there was also 'Christian' content). Among the articles was a page 'Allah knows me' wrestling with the implications of lesbian Muslim identity, and 'What the Sufis knew' containing 'Sufi'-style poetry. The site also offers a Message Board for discussion and feedback.⁴⁹

The issue of Internet censorship is a contentious one in many areas, not just that of sexuality. In 1999, the non-governmental organization Human Rights Watch reported on the ways in which these have been circumnavigated within Middle Eastern and North African contexts, and how some regional authorities

had attempted to control access, content and utility of the Internet.⁵⁰ The report made a number of recommendations, including demands for the international rights of freedom of expression, facilitation of affordable access to the Internet, the control of censoring mechanisms, reducing ISP liability for page content, availability of page encryption for individual users, rights to privacy unimpaired by government surveillance, and the right to communicate and surf anonymously.⁵¹ There is limited evidence to suggest that there has been any advance in these 'rights' within Mediterranean Muslim contexts, and indeed it is possible that while access levels have increased, so have the mechanisms or potential applications to control access and use of the Internet (determining whether such 'freedom of expression' or forms of control are justified is beyond the scope of this contribution).

Websites associated with diverse notions of Islamic authority are currently dominated by English language content. This includes material from throughout the so-called 'Muslim world', primarily from minority Muslim contexts such as the United States. Areas and organizations, which may not have been traditional centres of scholarship or Muslim authority, have entered the information marketplace, and are themselves influencing traditional regions of Islamic learning. A scholar in Damascus or Cairo may now engage in dialogue with a scholar in New York, to formulate approaches towards the Qur'an and other Muslim sources. The 'qualifications' of a scholar can also be fluid, with ownership of an *ijazza* (degree from an Islamic university) not necessarily being a prerequisite for being an online authority. The area of authority has also been one of interest to Islamic interests and centres with an interest in *da'wa*, particularly Saudi Arabia. The Internet is unique as a media form, in that it offers individual or minority views an opportunity to present themselves to a wide readership internationally. It can be difficult to determine the difference between an 'official' site and one generated by an individual. What makes a website 'authoritative' and 'Islamic' is a key question to consider when reading Cyber Islamic Environments, particularly for readers who may not be overly familiar with the nuances and various shades of meaning that exist between diverse Muslim interests.⁵²

Many Islamic websites seek to project 'religious authority' via the Internet. This may be associated with governmental perspectives on religion, or from other sources, not necessarily fixed within a geographical or cultural-linguistic framework. Locating 'country-specific' sites associated with Islam can be problematic, for a number of reasons. It may be that a government does not want religion to be officially represented online. Muslim organizations or 'authorities' may not identify themselves with national geo-political borders or frames of reference. 'Authorities' themselves may not be recognized within national geo-political borders, and at times can even be ostracized.

Subject searches can produce mixed results: for example, searches for Islamic material on or about Islam in Morocco produced no solid results, in either Arabic, French or English. The government's Ministère des Habous et des Affaires

Islamiques website was consistently inaccessible.⁵³ The Ministry of Communication's Welcome to Morocco site was substantially out-of-date, and contained little information about Islam in English, French or Arabic.⁵⁴ The top Arab portal Arab Bay contained no information in its Morocco: Religion section.⁵⁵ There is, however, a substantial amount of Internet material about religious beliefs and, in particular, buildings such as the mosques in Fez and Marrakech, often produced by specialist academics, tourists, or travel companies.⁵⁶ The lack of Moroccan governmental expression about Islam in cyberspace leaves the local surfer to visit other websites outside of the control of the government. This may mean that the curious Moroccan surfer is immediately exposed to external influences, which may or may not reflect personal views, cultural understandings and/or governmental perspectives. Spheres of Internet influence relating to Islam can extend way beyond traditional boundaries.

This can be compared with Libya, whose official website contains a page on Islam (but no external links) explaining Mu'ammār al-Qadhafī's personal perspective on religion, in particular the links associated with an interpretation of the Sanusi Sufi religious order. Central to Qadhafī's vision on Islam is that translation of the Qur'an is to be encouraged, a view that is not necessarily universal. However, there is no Qur'an text on the site (although the Green Book is available).⁵⁷

In terms of Mediterranean Muslim contexts, content produced in Egypt provides a substantial amount of Islam-related content available online, reflecting patterns of Internet usage and the stimulus of recent events. Al-Azhar University was propelled into providing an Internet site, after initially dismissing the technology, as a reaction to the SuraLikelt site producing fabricated verses purportedly in the style of the Qur'an.⁵⁸ However, the site is very much focused on form rather than content: the majority of its pages, in Arabic and English, remained blank at the time of writing (although the domain had been registered since 1998).⁵⁹

Harf Information Technology, operating out of Nasr City in Cairo, is one of the most proficient producers of Islamic content, producing their own material as well as being contracted by Saudi authorities to develop Islamic websites. The company was founded in 1985 as the Islamic Heritage Center (attached to Sakhr Software), and their clients have included the Sheikh Abdul-Aziz bin Baz website, Saudi Shura Council Intranet, and King Fahd Complex for the Printing of the Holy Qur'an. The Turkish government's Minister of Religious Affairs visited Harf in June 2001 to discuss potential collaborative projects.⁶⁰ They have free online content available in seven languages (Arabic, English, French, German, Indonesian, Malay, Turkish— other language material is under construction) including the Qur'an, a Biography of the Prophet Muhammad, Hadith (the Sayings of Muhammad) and guides to 'appropriate' Islamic practice.

The emphasis on the site is global, rather than focused on Egypt or the dissemination of culturally specific 'Egyptian' interpretations of Islam. Different

levels of information are contained on the site, suggesting that its content would suit many styles of learning and practice, albeit under an umbrella that is clearly associated with a specific form of sunni-oriented Islam. As the Internet becomes more accessible and mainstream within the region, Harf has the potential to become a key player in Islamic information provision in Mediterranean Muslim contexts, although its intended reach is global.⁶¹ They are exploring use of other interfaces to present the Qur'an, including for Palm and e-books.⁶² It is producing *fatwa*-related material in Arabic, primarily on economic issues, although is limited at present in other languages.⁶³

In Palestinian Islamic contexts, 'religious' or Islamic websites are dominated by political and current affairs, together with discussions on *jihād*. For example the Islamic Association for Palestine (IAP) website is an important resource, depicting elements of the intifada, and containing daily news updates from diverse sources. At the time of writing, the link to 'Islam and Palestine' simply went back to the news section.⁶⁴ A number of sites associated with the intifada are not overtly 'religious' in nature; for example, the multilingual Intifada.com provide dynamic content and photographs, together with news and networking resources, but the 'Islamic' content is limited (the Arabic version of the site links to Hamas); the Electronic Intifada is a media activist channel seeking to counter the 'myth, distortion and spin from the Israeli media war machine.'⁶⁵ A memorial site to Muhammad al-Durrah effectively applies web graphics to represent the killing of this Palestinian boy in 2000, and illustrates the theme of martyrdom, without resorting to 'Islamic' language or Qur'anic quotation (there are links to Hamas and Hizballah on the site, which originates in Syria).⁶⁶

The blurring of content means that Palestinian sites often have contributions from throughout the world, and are hosted in diverse settings by supporters from many social, cultural and religious backgrounds. A key question might be whether these can be identified within a 'Mediterranean Muslim' context, and they provide an obvious indication of the fluidity of the Internet and the problems of specifically identifying a website within a national state context—especially given the political constraints and historical circumstances. The majority of pro-Palestinian sites are hosted outside of the confines of the region. The identification of the Palestinian cause with Islam is often stronger on such sites: for example, the pages from the Friends of Al-Aqsa (hosted in the UK) are 'watermarked' with Islamic calligraphy, although their content is not always 'Muslim' in character or written by Muslims. Material is drawn from diverse sources and news feeds, with a campaigning emphasis. There is substantial 'religious' related content, associated with the historical 'origins' of the Al-Aqsa Mosque and its construction 'by Prophet Adam', its 'rebuilding' by Prophets Ibrahim and Ismail, and Prophet Muhammad's 'night journey of al-Isra'.⁶⁷ Qur'anic Quotations are used in discussing the role of Al-Aqsa and its importance to Muslims.⁶⁸

Outside of the immediate parameters of 'politics', the application of the web in religious contexts, particularly in forms of Islamic articulation, is well

demonstrated in Lebanon—with indicators of regional religious diversity of expression represented online. The multilingual website of Grand Ayatollah Sayyed Mohammad Husayn Fadlallâh, ‘Bayynat’, is an interesting application of online resources, regularly updated and well managed, and representing one Shi‘i perspective in the Lebanon. Fadlallâh is often described as the ‘spiritual leader’ of Hizballah, although there are no direct links to the organization from this particular site. The English language section includes textual translations of sermons (*khutbahs*), which are quickly placed online after their delivery at the Imam Al-Hassanain Mosque in Beirut. The archive stretched back to April 1999.⁶⁹ The Rulings section incorporates Islamic Rulings (Massael Fikhiya) on the Shi‘i interpretations of *taqlîd* (‘emulation’) and *tahara* (‘purity’). The former section discusses the options when it is not possible to follow a *mujtahid*’s opinion or practice, which would have some rel evance particularly within certain dispersed Shi‘i communities, and could be relevant to a Shi‘i surfer. The latter section follows a question and answer format, explaining basic issues relating to alcohol and food ‘purity’, although the answers to some of the questions may surprise some readers:

Q—What is the ruling regarding intoxicants?

A—Evidence that wine and all intoxicants are pure is stronger than evidence to impurity although it is precautionary to avoid touching liquid intoxicants’

Q—Can we assume the purity of a Muslim who drinks intoxicants?

A—He is pure, however if it is known that some of his parts directly handled impurities, then these parts are considered to be impure.’⁷⁰

The Arabic section of the site is, naturally, better developed in terms of resources. Audio versions of *khutbahs*, prayers and recitations are available alongside, together with limited film material.⁷¹ PDF (portable document format) files in Arabic of *sira* (biographical material), *faqih* books (*fiqh* jurisprudence), sermons, and other forms of Islamic learning can be downloaded and viewed ‘offline’.⁷² A proportion of the content could be said to contain some political opinion, for example a page containing Fadlallâh’s November 2000 *fatwa* seeking a boycott of American goods (one would assume this excluded the HotMetal software used to create the webpage).⁷³

Sayyid Hassan Nasrallah, described as the ‘representative of Imam Khomeini in Lebanon’ and the general secretary of Hizballah, also has a website. The English pages are primarily a framework for future material, as in 2001 content was limited to a series of hyperlinks to external sites, and photographic and video resources (in Arabic) connected with current and previous religious leaders, including Khomeini and Ruhollah Khomeini. The Arabic section has more detailed biographical data, together with extensive archives of *khutbahs*.⁷⁴ The external links demonstrate the allegiances of and influenced upon Nasrallah and Hizballah.

Other Muslim representation available online offers insight into those areas of belief that may be quietist, subdued and/or marginalized. One such application of the Internet is by Druze communities. The magazine *Adam*, produced in Beirut, is described as ‘one of very few communication mediums that the Druze in Lebanon and the rest of the Middle East have, and its previous online edition was one among very few sights that the Druze world-wide could resort to for spiritual nourishment’.⁷⁵ The magazine is available through on-line subscription, and its content is available to download through PDF format. It will be interesting to observe the future application (if any) of the Internet as a tool to connect Druze communities in the Middle East, especially those separated by sensitive political borders. The dispersal of Druze populations has led to their existence in Israel being linked to an Israel Druze website.⁷⁶ This would appear to be an information resource, rather than an attempt by the Druze community in Israel to network or express themselves online. Druze communities in Canada, the United States and Australia can also be found on the Internet.

The representation of Sufism on the World Wide Web is a particularly important area of study. Determining the location within the context of the Mediterranean Muslim societies can be problematic. The stereotype of quietism is not necessarily valid, but the opportunities for online expression can be limited, especially in societal contexts that are unsympathetic to so-called mystical dimensions of Islam. Sufism, in its multifaceted forms and strands of thought, is one avenue for the expression of popular Islam. Sufi sites associated with Middle Eastern and Mediterranean contexts can be found online, but many are generated outside of the region. The strong associations between the region and followers elsewhere can also manifest themselves online. A good example is a website associated with Sidi Shaykh Muhammad Said al-Jamal ar-Rifa’i, ‘the Guide of the Shadhuliyyah Path, founded by as-Shaykh Ali Abu-l-Hasan as-Shadhili in Egypt.’⁷⁷ Shaykh Jamal is based in Jerusalem, and the site contains photos of him in front of the Al-Aqsa mosque, together with him meeting Pope John Paul II. His address to the Pope had a strong political edge to it:

Houses and homes are destroyed, our land is seized to build settlements against all international law. Our children are imprisoned because they are fighting for freedom and peace. Our people are discharged outside their own country as refugees everywhere.

Because of all this there is no justice nor peace in Jerusalem and the Holy Land.

I hope that you will send your voice to stop the weeping in this holy land.⁷⁸

The content of the website is entirely in English, promoting teachings, publications and recordings (available to purchase). The extent to which it typically represents a Sufi path in Mediterranean Muslim contexts is perhaps

open to question, but it does demonstrate that the Internet contains sites incorporating combinations of the sacred and the political dimensions of Islam.

There are several examples of online collaboration of Muslim organizations based in Mediterranean geographical contexts with 'external' branches. These illustrate the problems of defining 'Mediterranean Muslim expression'. For example, the Al-Ahbash of Lebanon have an extensive website, under the title of the Association of Islamic Charitable Projects.⁷⁹ This Sufi order (or *tariqa*) has mounted a challenge towards many aspects of 'political Islamism', especially those that have an enmity towards Sufism, although following negotiations it has had good relations with Hizballah, and close ties with a number of Arab governments.⁸⁰ The site's domain is registered in the United States, although the site's content is drawn from a broad range of sources. The site has multilingual content. In addition to the Arabic and English pages, within the Mediterranean context, the French and Turkish pages would be particularly relevant. Whilst the Turkish site (hosted in Germany) is not as extensive as the central site, the graphic-rich French site (hosted in France) offers some original material, such as articles and chanting in the French language.⁸¹

AICP's pages contain Qur'anic recitations and English and Arabic audio lessons. There is a substantial archive of Islamic photographs, ranging from the 'conventional' photos of Mecca and Medina to the 'holy shrines and graves' of Sufi shaykhs.⁸² The audio archive includes unique recordings of chanting and devotional music, indicative of the 'popular' expression of Islam, and available in a variety of formats.⁸³ There is a series of special devotional songs for Mawlid Al-Nabiyy, the celebration of Prophet Muhammad's birth. This is important in two ways: first, the celebration is deemed an inappropriate 'innovation' in several Islamic contexts elsewhere in the region (for example, amongst some Wahhabi authorities); secondly, music itself is seen as 'un-Islamic' by the same commentators.⁸⁴ Although 'Sufi' in nature, the site has a substantial series of arguments against those orders it deems 'deviant'.⁸⁵ There is also content attacking the 'treacherous ideology' of the Wahhabis: 'The tribulations inflicted by the Wahhabis were a calamity for the Muslims. The Wahhabis shed a great deal of blood and robbed a great deal of money; their harm was prevalent and their evil spread.'⁸⁶

Such opinion would probably lead to the site being 'blocked' by Saudi Arabian ISPs. Its popular forms of religious expression and language are potentially controversial. An innovation on the site is Nida' Al-Marifa, a 24hour 'Islamic Voice Chat Group'. This allows participants to have online dialogues on Islamic topics, in a variety of groups and languages. Rather than being textual or email exchanges (as in traditional chat rooms), these are aural dialogues. Through PalTalk software, participation is matched according to visitor's interests and language, and new groups can be formed. This type of conversation opens up cyberspace to a new form of Islamic interactivity, through which concepts and interpretations relating to identity can be exchanged.⁸⁷ It may be difficult to quantify the influence of such a Voice Chat Group, but it certainly

offers a new form of Islamic expression. The audience for these exchanges transcends Mediterranean Muslim contexts. If the Al-Ahbash site can be described as one form of Mediterranean Muslim expression, then it represents a model of the type of content which might appear from other forms of Cyber Islamic Environments which are not overtly political in nature.

Further analysis is required of this form of technological evolution in Cyber Islamic Environments. Research on Islam and the Internet in Mediterranean contexts is still in its early stages. Among the key issues that will require recording and observation during the next decade, increasingly by research specialists from diverse fields, is the growth of Arabic language web content. The assertion of Arabic Internet identity will include the Arabization of Internet domain names, which are seen by some technologists as a means to ‘...establish Arabic as one of the five international languages on the internet “so that the worldwide web could” open wider horizons for non-English-speaking Arab citizens’.⁸⁸

The growing availability of Arabic browsers and page creation tools will lead to a rapid expansion of sites, including those with Islamic identities. The expansion of technological knowledge may increase the diversity of Islamic content online, and improve the presentation quality of sites. It is estimated that Internet penetration in the ‘Arab world’ will increase from 3.5 million in 2001 to 30 million people in 2005.⁸⁹ The growth in demand for computer hardware in the Middle East market has been measured as against the global trend, with a market growth rate of 20 per cent (excluding United Arab Emirates, at 28 per cent).⁹⁰ Although this may still be a relatively marginal figure, in comparison with the population of the region, it illustrates a growing availability of and interest in computers. Technology for surfing the World Wide Web will become cheaper, and the availability of alternative interfaces may offer improved access outside of urbanized areas. Such access is related to the availability of telephone lines, and several Mediterranean nations plan to improve services: for example, Algeria plans 20 telephones per 100 inhabitants by 2010 (compared with five per 100 in 2001); Egypt plans to open 100 Internet-able youth centres per year in underdeveloped areas.⁹¹ The extent to which this will open up the World Wide Web for underrepresented groups in Mediterranean Muslim contexts is open to question. It will, for example, be interesting to observe the impact (if any) on Muslim women and their self-expression online. For example, the UN Development Fund for Women (UNIFEM) noted that the Internet had increased activism opportunities for Muslim women, but that only four per cent of Internet users in the Arab world were women.⁹² The gender digital divide in Mediterranean Muslim contexts is a significant area for future research and observation.

One key question is whether such wider accessibility will lead to a substantial increase in traffic to Islamic web sites? Many of the sites discussed in this contribution now have the foundations in place to capitalize on this expansion, and fulfil propagation and networking objectives, including the dissemination of

political and religious materials. Those funding major portals should start reaping the benefits of their influence, not just within Mediterranean contexts, but also throughout the 'Muslim world'. Whether governments will have the technological infrastructures in place to continue the censorship of 'dissent' expressions of Islam is open to question, although they may follow the lead of governments in Saudi Arabia, United Arab Emirates, and Kuwait in introducing 'cyber laws'. Certainly, the Israeli-Palestinian 'cyber war' has highlighted the deficiencies in firewalls and other forms of Internet defences.

Cyber Islamic Environments have the potential to transform aspects of religious understanding and expression within Mediterranean Muslim contexts, and the power to enable elements within the population to dialogue (not necessarily amicably) with each other. In conjunction with traditional forms of knowledge and media about Islam, access to (and perhaps ownership of) a website will become a significant element of propagation and identity for Muslim individuals and organizations throughout the region. The changes may be subtle rather than overt, but the influence and existence of Islam on the electronic superhighway should not be negated.

Postscript

The 11 September 2001 ('9/11') attacks on the United States, which occurred shortly after the writing of this account, had a major impact on Islamic expression in relation to the Internet. Aspects of the 'pre-attack' phase of cyberspace, detailed in this chapter, can inform our understanding of post-'9/11' developments. The substantial responses of, and effects upon, Cyber Islamic Environments (including those within the 'Mediterranean Muslim' zone of reference) were in an early phase of evaluation by this writer at the time of going to press, and it was felt inappropriate to incorporate them into this study. Initial analyses are located on the writer's website.

NOTES

1. All URLs (Uniform Resource Locators or web addresses) were correct in August 2001. Check for updates at <http://www.virtuallyislamic.com>.
2. Websites in Muslim minority contexts in the Mediterranean zone, for example in France, Greece, Italy and Spain, are not evaluated in this study. Their association, networking and linkage within the wider Mediterranean sphere is a subject for future research.
3. 'Making New Technologies Work for Human Development', United Nations Development Project (2001), pp.60-2, <http://www.undp.org/hdr2001/>.
4. *Ibid.*, p.40.
5. Peter Wolcott and Seymour Goodman, 'The Internet in Turkey and Pakistan: A Comparative Analysis' (Center for International Security and Co-operation, Stanford University, 2000) p.xii, http://mosaic.unomaha.edu/TurkPak_2000.pdf.

6. 'Making New Technologies Work for Human Development', p.41.
7. Mohamed A.El-Nawawy, 'Profiling Internet Users in Egypt: Understanding the Primary Deterrent Against Their Growth in Number', *Internet Society* (2000), <http://www.isoc.org/inet2000/cdproceedings/8d/s8>.
8. Ibid.
9. Wolcott and Goodman, 'The Internet in Turkey and Pakistan', p.xiv.
10. See Bunt [2000:66–103].
11. Leela Jacinto, 'Arab Internet Users Catch Up With the World of Cyber Porn', *ABC News*, 27 April 2001, http://more.abcnews.go.com/sections/world/dailynews/arab010427_porn.html.
12. The Naqshbandis are also discussed in Bunt [2000:59–60]. Sufism and the Internet are also considered in Gary R.Bunt, 'Surfing Islam', in Hadden and Cowan [2000: 143–5]. Results of the Transnational Sufism project had not been published at the time of writing. For a description, see <http://artsWeb.bham.ac.uk/mdraper/transnatsufi/projectdesc.htm>.
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15. See Eickelman and Piscatori [1996].
16. Jon B.Alterman, 'New Media, New Politics? From Satellite Television to the Internet in the Arab World' summarised in *Policywatch*, 356, Washington Institute for Near East Policy, 11 Dec. 1998, <http://www.washingtoninstitute.org/watch/Policywatch/policywatch1998/356.htm>.
17. Arab Information Project, <http://www.georgetown.edu/research/arabtech/>.
18. Wolcott and Goodman, 'The Internet in Turkey and Pakistan'.
19. Lenie Brouwer, 'Muslimmail in the Netherlands', paper presented at the 'Writing Diasporas' conference, Virtual Diasporas strand, University of Wales, Swansea, 22 Sept. 2000. Brückner [2000]; 'Der Mufti im Netz', in Rüdiger Lohlker (ed.), *Islam im Internet, Neue Formen der Religion im Cyberspace* (Hamburg: Deutsches Orient-Institut, CD-ROM); 'IslamiCity— Creating an Islamic Cybersociety', *ISIM* (International Institute for the Study of Islam in the Modern World) Newsletter, 8 (2001), <http://www.isim.nl/newsletter/8/bruckner.htm>; 'Cyberfatwa: Index zu Fatwas und Muftis im Internet', <http://www.cyberfatwa.de>, in Lohlker, *Islam im Internet*; 'Der Koran im Internet', (2001), http://www.sub.unigoettingen.de/ebene_/orient/koranl.htm#Anmerkung_la; Peter Mandaville, 'Digital Islam: Changing the Boundaries of Religious Knowledge?', *ISIM Newsletter*, 2 (1999), <http://isim.leidenuniv.nl/newsletter/2/isim/1.html>; Debbie Wheeler, 'New Media, Globalization and Kuwaiti National Identity' [2000].
20. Gary R.Bunt, 'Islam in Cyberspace' [1997:3–13]. See also Bunt, 'islam@britain.net' [1999: 353–62].
21. Muslim Brotherhood, <http://www.ummah.org.uk/ikhwan/>.
22. Prelude, <http://www.prelude.co.uk/mb/banna/index.htm>.

23. For example, see Intifadat El-Aqsa, <http://www.islamiccenterforstudies.org/aqsa/drra.html>; 'Muhammad al-Durrah', http://www.al-sham.net/al_quds.html.
24. Fazilet (Virtue) Party, <http://www.fp.org.tr>.
25. Merve Kavakci, Live Dialogue, 'The Recent Ban of the Virtue Party in Turkey', 28 June 2001, Islam Online, <http://islamonline.net/livedialogue/english/>.
26. Islam Online has a high profile and substantial daily 'traffic', claiming to receive one million hits a day. Ayub Khan and Aaoufik Founi, Islam Online, Response to e-mail request, 20 March 2000. 'During the period of 10/99 to 10/00, we received 118,286,989 hits with 26,856,884 page views. Starting November 00, we are receiving an average of million hits/day.'
27. Bunt [2000: 100].
28. Front Islamique du Salut, <http://www.fisalgeria.org>.
29. Front Islamique du Salut—Conseil de Coordination, <http://www.ccfis.org>.
30. Discussed in detail by this writer in a forthcoming volume.
31. Palestine Information Center, <http://www.palestine-info.org>.
32. For example, see the photograph of Amir al-Kodir, Palestine Information Center, <http://www.palestine-info.net/arabic/hamas/shuhda/aamerkodere/aamer2.htm>.
33. Palestine Information Center, '19 Jewish Settlers Killed, Over 100 Injured, in Jerusalem Blast', 15 Aug. 2001, http://www.palestine-info.com/index_e.htm.
34. Palestine Information Center, 'Shuhada', <http://www.palestine-info.net/arabic/palestoday/shuhada/emanhejofile/emanhejo.htm>.
35. Palestine Information Center, 'Fatawa', <http://www.palestine-info.net/arabic/fatawa/alamaliyat/qaradawi.htm>.
36. Al-Quds Audiovision, <http://www.islamicjihad.com>.
37. Islamic Association of Palestine (IAPINFO), Discussion List, <http://groups.yahoo.com/group/iapinfo>.
38. Islamic Association of Palestine, <http://www.iap.org>.
39. Hizbollah, http://www.hizbollah.org/arabic/frames/index_ar.htm.
40. Warren Singh-Bartlett, "'Inside job' irks Hizbullah webmaster: Hacker Targets Resistance, But is Enemy Closer Than We Think?' *Daily Star* (Lebanon), 1 Sept. 2001, reproduced by Islamic Resistance Support Organisation, http://www.moqawama.org/page2/f_articl.htm.
41. Islamic Resistance Support Organisation, 'Daily News', http://www.moqawama.org/arabic/f_report.htm.
42. These sites are discussed in Bunt [2000:99]. Also see Islamic Resistance Support Organisation, 'Martyrs', <http://www.moqawama.org/martyrs/body.htm>.
43. Gay Egypt, <http://www.gayegypt.com>.
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47. Caroline Hawley, 'Egypt faces backlash as 52 Gay Men Go on Trial', *Independent*, 17 Aug. 2001.
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51. 'Recommendations', *Human Rights Watch* (1999), <http://www.hrw.org/advocacy/Internet/mena/reco.htm>.
52. Discussed in detail in Bunt [2000:104–31].
53. Ministère des Habous et des Affaires Islamiques, <http://www.habous.gov.ma> (link unavailable August 2001).
54. Ministry of Communications, 'Welcome to Morocco', http://www.mincom.gov.ma/english/e_page.html.
55. Arab Bay, 'Morocco: Religion', http://www.arabbay.com/Arab_Countries/Morocco/Religion/Islam/.
56. One of the best examples is Jim Miller's 'Images of Daily Life in Morocco', which includes several photos of mosques. See <http://www-geoimages.berkeley.edu/GeoImages/Miller/millerrone.html>.
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58. Discussed in Bunt [2000:123–30].
59. Al-Azhar, <http://alazhar.org>; An unofficial website dedicated to Al-Azhar has a more effective resource base. See 'Al-Azhar, The Bastion of Islamic Knowledge in Egypt', <http://www.ims.uwindsor.ca/~azhar/index.html>.
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61. Harf, <http://harf.com>.
62. Harf, 'Le Livre digital du Saint Coran', <http://www.harf.com/frn/>.
63. Harf, 'Economic Fatwa', <http://fatawa.al-islam.com/default.asp>.
64. Islamic Association for Palestine, <http://www.iap.org/>.
65. Intifada.com, [http://intifad\[RTF bookmark start: _Hlt31788246\]a\[RTF bookmark end: _Hlt31788246\].com](http://intifad[RTF bookmark start: _Hlt31788246]a[RTF bookmark end: _Hlt31788246].com); Electronic Intifada, <http://electronicintifada.net>.
66. See 'Muhammad al-Durrah'.
67. Friends of al-Aqsa, 'Facts on al-Aqsa', <http://www.aqsa.org.uk/factsonaqsa.html>.
68. Friends of al-Aqsa, 'The Centrality of Masjid al-Aqsa In Islam', <http://www.aqsa.org.uk/flyers/centrality.html>.
69. Bayynat, 'Friday Speech', <http://www.bayynat.org.lb/english/fridayspeech.html>.
70. Bayynat, 'Purity', <http://www.bayynat.org.lb/english/islamicr.html>.
71. Bayynat, <http://www.bayynat.org.lb/index.html>—click on sowteyat. There is also a textual section. The menu on the top right hand side of the page changes its script format to accommodate different selection requirements.
72. Bayynat, <http://www.bayynat.org.lb/pdf/index.html>.
73. Bayynat, <http://www.bayynat.org.lb/www/english/>.
74. Sayyed Hassan Nasrallah Home Page, <http://www.nasrollah.net/>.
75. Druze Net, <http://www.druzenet.org/>.
76. Israel Druze Website, <http://www.geocities.com/Baja/Outback/9277/dl.htm>.
77. Sidi Muhammad Press, <http://www.sufimaster.org/indexie.htm>.

78. Sidi Muhammad Press, 'Sidi Meets with the Pope', <http://www.sufimaster.org/pope.htm>.
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80. A. Nizar Hamzeh and R. Hrair Dekmejian, 'A Sufi Response to Political Islamism' [1996: 217–29]. *Al Mashriq*, <http://almashriq.hiof.no/ddc/projects/pspa/al-ahbash.html>.
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82. AICP, 'Maqamat Holy Shrines and Graves', http://media.aicp.org/html/islamic_picturesmaqamat_graves.html.
83. AICP, 'Islamic Madih in Arabic', <http://media.aicp.org/html/madih.html>.
84. See the discussion in Bunt [2000:31,114–15]; AICP, 'Islamic Events', <http://media.aicp.org/html/mawlid.html>.
85. For example, there is a sequence of articles attacking Al-Qubrusi, which also includes attacks on followers of the Tijani Tariqah and others. AICP, 'The Irrefutable Proof that Nazim al-Qubrusi Negates Islam', http://www.aicp.org/IslamicInformation/Qubrusi/Qubrusi02First_Conclusion.htm. AICP, 'Sufi-Claimers: Misguided People Spreading Falsehood Under the Guise of Sufism', <http://www.aicp.org/IslamicInformation/sufism03.htm>.
86. AICP, 'The History of the Fighting with the Wahhabiyyah', <http://www.aicp.org/IslamicInformation/Wahhabiyyah/TheHistoryOfTheFightingWithTheWahhabiyyah.htm>.
87. AICP, 'Nida' Al-Ma'rifa' [sic], <http://media.aicp.org/html/chat.html>.
88. Nigel Thorpe, 'An Arabized Internet or Gutenberg 2?', 3 April 2001, *Al-Bawaba*, <http://www.al-bawaba.com/news> (Al-Babawa's articles are best located by title through the search engine).
89. Wissam El Solh, Netakeoff, Beirut, quoted in Steve Kettman, '1,001 Arabian Nights of Sex', *Wired*, 24 April, 2001, <http://www.wired.com/news/print/0,1294,43243,00.html>. Netakeoff are a Lebanon-based company developing and investing in Internet and technology firms. See <http://www.netakeoff.com>.
90. Such a figure is not necessarily indicative of trends throughout Mediterranean Muslim contexts. See *Al-Bawaba*, 'Expert: Rising Mideast PC Demand Bucks Global Trend', 15 Aug. 2001, <http://www.al-bawaba.com/news>.
91. *Al-Bawaba*, 'Algeria Hopes to Improve Telecommunications by 2010', 10 April 2001; 'Egypt to Serve Less Privileged Areas with 100 Youth Centers Yearly', 27 July 2001, <http://www.al-bawaba.com/news>.
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Islamic Activism and Social Movement Theory: A New Direction for Research

QUINTAN WIKTOROWICZ

Following the Palestinian intifada that exploded in late September 2000, dozens of anti-Israeli solidarity protests erupted throughout the Hashemite Kingdom of Jordan. Given the sizable Palestinian population living in the kingdom and geographical proximity to the West Bank, the demonstrations were not unexpected. Because many Palestinians hold Jordanian citizenship and the kingdom hosts a number of large Palestinian refugee camps, the Palestinian issue has always been important to Jordan's domestic and foreign policy. As a result, the impact of the intifada and concomitant Israeli responses inevitably spilled over into Jordan.

Although the regime had allowed a number of anti-Israeli demonstrations in the past, the ferocity and scope of many of the protests in 2000 raised concerns about political stability. Since legal requirements mandate prior administrative approval for all public meetings and demonstrations, the regime flexed its bureaucratic and repressive muscle by denying permits and suspending approval for any further protests. Despite the ban, protest mobilization continued and the regime found itself confronted by growing political unrest. Security forces responded with violence and used tear gas, armored vehicles, and clubs to disperse protesters at Jordan University, al-Rabiyeh (near the Israeli embassy), the al-Baq'a refugee camp, and elsewhere throughout October. About 300 demonstrators were initially detained for various offenses, including sabotage, inciting unrest, destruction of property, and *lèse-majesté*. While most of the initial detainees were later released, about 90 faced trial by the State Security Court. For opposition forces, the trials and subsequent imprisonment of four defendants reflected capricious state power and intimidation designed to demobilize the anti-normalization campaign.

In early December 2000, a small group of Islamic activists organized a sit-in and demonstration outside the Court of First Instance in the southern city of Ma'an to protest Jordanian foreign policy and the imprisonment of the anti-Israeli demonstrators. On a cold, winter day, about 500 protesters called for the immediate closure of the Israeli embassy in Amman and hoisted banners declaring support for the intifada. A group of representatives from the protesters delivered a statement of grievances to Governor Samih Majali, resolutely avowing their intention to continue the sit-in and protest until the government

met all of the demands. The list of demands included the immediate release of the four imprisoned detainees, severing ties with Israel, and an end to political corruption: ‘Let the authorities combat corruption, the spread of drug abuse and the squandering of public funds rather than detaining people’ (*Jordan Times*, 12 Dec. 2000). The articulated grievances of the sit-in thus expanded beyond Israeli policies and support for the intifada to include a general critique of politics in Jordan.

That night, 30 protesters built campfires and makeshift tents to brave the harsh nighttime cold, and the following day about a hundred continued the sit-in. At least a few demonstrators threatened to escalate the protests with a hunger strike (*ibid*). Although these protest techniques rarely impact on official decisions, Islamic activists frequently use them to pressure government officials and publicize grievances.

As an episode of Islamist contention, what is striking about the sit-in is that it lacked a particularly ‘Islamic’ tone. While the leadership and organizers were Islamic activists, the protest itself reflected political concerns shared by Islamists and non-Islamists alike—concerns about corruption, Jordanian–Israeli relations, drug abuse, repression, and the judicial system. There was no organized call for the implementation of the shari’a or other common Islamist demands. Instead, this particular event articulated broadly accepted criticisms of the regime that transcend a religious-secular bifurcation. Even more generally, such contention is echoed in other countries by innumerable movements that focus on injustice and the need for policy reform.

In addition, the use of the sit-in is not inherently Islamic. As a tactic of contention, the sit-in enjoys an illustrious career in modern protest and has been used by myriad movements, including the independence movement in India, civil rights movements in the United States and Ireland, the amorphous anti-globalization movement, environmentalist groups, and numerous others. The ubiquity of the sit-in implies that while the precise choice and timing of protest tactics vary according to local context, there are common instruments of protest in ‘repertoires of contention’ that exhibit consistent dynamics across time and space [Tilly, 1978; Traugott, 1995]. As Sidney Tarrow argues, some of these techniques are so common that they constitute modular forms of protest used by different actors at different moments and places [Tarrow, 1994].

This example indicates that the dynamics, process, and organization of Islamic activism can be understood as important elements of contention that transcend the specificity of Islamism. Other social movement actors respond to grievances, demonstrate, issue demands, stage sit-ins, and threaten hunger strikes. There are common patterns in terms of how movements articulate interests, frame contention, organize and mobilize support, pressure the state, seek allies, and respond to exogenous opportunities and constraints. And while ideational components and the inspiration of Islam as an ideological world-view differentiate Islamists from other collective actors, the collective action itself and concomitant

mechanisms demonstrate considerable consistency across movement-types. In other words, Islamic activism is not *sui generis*.

Despite these similarities, the study of Islamic activism remains, for the most part, isolated from the plethora of theoretical and conceptual developments in research on social movements. Instead, most publications are either descriptive analyses of the ideology, structure, and goals of various Islamic actors or histories of particular movements. Other sociological dynamics typically remain unexamined or are downplayed as contingent upon the unique ideological orientation of Islamists, thus implicitly essentializing Islamic activism as unintelligible in comparative terms and perpetuating beliefs in Islamist exceptionalism. The consequence is that scholarship has tended to ignore developments in social movement research that could provide theoretical leverage over many issues relevant to Islamic activism.

An additional obstacle to theory building in the study of Islamic activism is that multidisciplinary research is not unified by a shared research agenda. Scattered among a variety of disciplines, different publications on Islamism tend to follow narrow sets of research questions, theoretical frameworks, and methodologies, each determined by a particular disciplinary focus. Political scientists, for example, are mostly concerned with how Islamism impacts the state and politics; sociologists are interested in exploring the demographic roots of Islamist recruits; religious studies scholars predominantly focus on the ideas that motivate Islamic activism; and historians detail the histories of particular Islamist groups. The result is that disciplinary fragmentation has produced greater understanding about each particular element of Islamism without developing models or frameworks that explain how all of these elements fit together, interact, and influence patterns of Islamist contention. A co-operative research agenda, in contrast, would produce a set of shared working questions, concepts, and lines of theory that help provide a comprehensive, interconnected understanding of Islamism.

Recognizing this lacuna, a handful of scholars have called for the incorporation of work on Islamic activism into the broader debates of social movement theory (SMT), an interdisciplinary approach to the study of contention that focuses on the underlying mechanisms of collective action [Snow and Marshall, 1984; Williams, 1994; Wolff, 1998; Wiktorowicz, 2003]. Drawing on frameworks used to explore a wide variety of social movements, these scholars provide a more comprehensive understanding of Islamic activism by exploring understudied mechanisms of contention, including the tactical use of social networks [Wiktorowicz, 2001; Clark, 2003b]; strategic framing designed to facilitate mobilization [Verges, 1997; Tehami, 1998]; interactions among ideas, organizational form, recruitment, and movement survival [Munson, 2002]; strategic responses to exogenous contingencies [Alexander, 2000; Wickham, 2002]; and tactical considerations in the use of movement violence [Hafez and Wiktorowicz, 2003]. In addressing such issues, scholars utilize the concepts and theoretical frameworks of social movement theory and adopt a shared language

of academic engagement that fosters dialogue with students of non-Islamic social movements. The hope is that by building from a widely shared research agenda that transcends the specificity of any one movement, Islamic activism specialists will enjoy greater theoretical leverage and comparative evidence for elucidating the dynamics of Islamist contention.

Over the past several decades, social movement theory has developed a number of complimentary research areas that together might better explain the complexities of Islamism. The dominant framework that has emerged incorporates multiple dimensions of collective action, including responses to structural strains (implicit in most models), mobilizing structures and resources, responses to opportunities and constraints, and framing processes [McAdam *et al.*, 1996a]. Each of these is viewed as a constituent element of an overall understanding; and although most studies concentrate on one or another of these dimensions, there is general recognition that each only comprises a part of the broader framework.

This is not to argue that we have reached the ‘end of history’ when it comes to the development of theory in social movement research. Certainly the dominant framework is dynamic and has met criticism (see, for example, Goodwin and Jasper [1999]). And there are new additions to the overall framework that point to important components of contention, such as emotions [Goodwin *et al.*, 2001], identity formation [Stryker *et al.*, 2000], and ideology [Oliver and Johnston, 2000; Zald, 2000]. Some prominent social movement theorists have even distanced themselves from a narrow focus on social movements and instead emphasize the underlying mechanisms and dynamics of multifarious contentious episodes, including demonstrations, strikes, riots, revolutions, and ethnic and religious conflict [McAdam *et al.*, 2001]. The point is not to dismiss these innovations, but rather to provide a possible starting point for Islamic activism specialists to engage broader theoretical approaches to collective action.

To that end, the following sections explain how work on Islamic activism would fit in the dominant SMT framework. As Charles Kurzman [2003] argues, although these two areas of research have historically experienced little interaction, parallel developments in each intimate commonalities and possible cross-fertilization. Each section therefore outlines the major constituents of SMT and discusses common theoretical and conceptual developments in the study of Islamic activism. This is not meant as an exhaustive literature review of Islamism in general; instead it is intended to emphasize the fecundity of a social movement theory approach as a vehicle for bringing together fragmented streams of research on Islamic activism. And while it outlines the possible incorporation of work on Islamism into SMT, this is only a starting point. As the conclusion argues, rather than merely applying or consuming established theories, new research should instead aspire to eventually produce innovative theoretical and conceptual developments that challenge and push SMT in new directions. Since the study of the Iranian revolution has a long tradition in social movement theory

[e.g., Parsa, 1989; Kurzman, 1996; Smith, 2003], the following will predominantly focus on other examples of Islamist contention.

Structural Strains as Proximate Causes?

Early approaches to the study of social movements derived from functionalist social psychology accounts of mass behaviour. The starting point for such analyses was an assumption that system equilibrium is a natural societal condition. From this perspective, societies organically generate institutional infrastructure that regulates the balance between inputs and outputs in the political system. Societal demands are accommodated by responsive institutions that channel and address myriad interests to produce optimal policies. These policies, in turn, assuage demands and function to maintain the equilibrium of the system. For functionalists, system disequilibrium derives from exogenous structural strains that produce new grievances and erode the efficacy of institutions, producing pathological disfunctions that can cause political instability. If institutional capacity cannot accommodate newly mobilized societal demands, the result is social frustration and political disorder [Huntington, 1968].

The first generation of social movement theory was rooted in functionalism and focused on the structural and psychological causes of mass mobilization (see McAdam [1982: Ch.1]). The classic models posit a linear causal relationship in which structural strains produce psychological discomfort, which, in turn, produces collective action. Various strains, such as industrialization, modernization, or an economic crisis, disrupt social life and accepted routines, thereby creating a degree of social and normative ambiguity about how to respond to changing conditions. Theories of mass society, in particular, argued that the erosion of intermediary groups that integrate individuals into society and politics creates a growing sense of social anomie, despair, and anxiety. A psychological sense of isolation and impotence in the face of broad societal changes was believed to prompt individuals to join social movements. Movements were thus seen as escapist coping mechanism through which individuals regain a sense of belonging and empowerment (for various renditions, see Kornhauser [1959]; Smelser [1962]; Turner and Killian [1957]). While there are different variants of the early social movement theories, they all shared a common understanding of social movements as mechanisms for alleviating psychological discomfort derived from structural strains.

The logic of the socio-psychological approach dominates much of the scholarship on Islamic activism. For many students of Islamism, the underlying impetus for activism derives from the structural crises produced by the failure of secular modernization projects [Waltz, 1986; Dekmejian, 1995; Hoffman, 1995; Faksh, 1997]. During the pinnacle of developmentalism, leaders in Muslim countries, especially in the Middle East, adopted western modernization models to promote economic development. Steeped in western education systems, elites

frequently viewed modernization and westernization as part of the same process, thus advocating not only policies of industrialization, but also the incorporation of western practices, including clothing styles, secularization, and western languages. Even in states borne from brutal confrontations with western powers, elites frequently adopted western cultural attributes, despite antiwestern rhetoric. This was particularly the case in North Africa, where the ruling elite preferred to speak French. While this small minority drifted apart from the cultural mainstream of its own societies, regimes attempted to placate their populations by promising economic growth, national wealth and social protection.

Rapid socio-economic transformations tended to concentrate wealth among the westernized elite, state bourgeoisie, and corrupt state officials while concurrently generating negative side effects that impacted large segments of the population. Municipal infrastructure, for example, was insufficient to accommodate the influx of rural-urban migrants seeking employment, leading to housing shortages, the expansion of shanty towns, and the growth of unwieldy mega cities such as Cairo, Tehran, and Algiers. At the same time, prices on basic commodities rose while real wages and employment declined. By the late 1960s and early 1970s, the standard of living for many in society had suffered under failed state-controlled economic policies. The sense of general economic malaise was compounded by exclusion from political power, which was monopolized by a small elite coterie that seemed to espouse an alien value system. These failures and the growing impoverishment of larger portions of the population were magnified by the devastating and bitter Arab defeat in the 1967 war with Israel, which served as a catalyst for societal introspection [Haddad, 1992].

Although proponents of this socio-psychological understanding agree that Islamism is a response to the psychological distress produced by these conditions, scholars have debated the relative importance of different precipitants. Some argue that socio-economic factors are the principal cause of Islamic activism and tend to emphasize the common socio-economic background of Islamic activists [Ibrahim, 1980; Ansari, 1984; Munson, 1986; Waltz, 1986]. The underlying assumption of such an approach is that socio-economic background tells us something about grievances and therefore why individuals join an Islamic movement. Early research indicated that most militants had high levels of education and recently migrated to urban centres, often in search of employment opportunities. Scholars argued that because these recruits were cut off from their rural roots and family, lived in a new urban environment with different values, and faced blocked social mobility, they suffered a sense of social alienation and anomie that rendered them vulnerable to the Islamist message of tradition. Later studies showed that the base of support shifted toward the less educated strata of society, but recruits were still seen as motivated by psychosocial pressures created by socio-economic crisis [Ibrahim, 1996].

Others view Islamism as a response to cultural imperialism. From this perspective, the most important societal strain is the growing influence of western culture, as supported by an assortment of foreign and international

political, economic, and military instruments [Burgat and Dowell, 1993; Keddie, 1994; Esposito, 1998]. In the first published call to include the study of Islamic activism in social movement theory, Snow and Marshall [1984] argue that Islamism is a response to a perceived assault on local culture and reflects a psychological desire to restore and maintain 'the cultural identity and self-esteem of the challenged population' [1984:136]. They certainly recognize the importance of other factors in facilitating mobilization, including a mobilizing ideology and resource availability, but like a number of Islamist specialists Snow and Marshall view cultural strain as an important precipitant.¹

Islamists themselves tend to emphasize this dimension of the crisis. Whether such claims mask other interests, Islamic activists frequently couch their grievances and goals in language akin to Huntington's [1996] 'clash of civilizations', whereby mobilization is viewed as a response to insidious western desires to undermine the culture of Muslim societies. A direct corollary of this cultural infiltration argument is that the erosion of Islamic values and practices will inexorably lead to deeper problems in various spheres of social life, including economics, politics and military defence. The western 'attack on Islam' (whether by foreign enemies or western proxies in the Muslim world) is thus conceptualized as the first stage in a conspiracy to undermine, weaken, and eventually dominate Muslim countries [Burgat and Dowell, 1993; Wiktorowicz and Taji-Farouki, 2000].

Still others favour political strain explanations for the rise of Islamic movements. Under authoritarian rule, the masses lack formal political access to mitigate the adverse effects of modernization projects and the deterioration of quality of life. With few open channels for political recourse, the result is societal frustration and a sense of alienation. The feeling of political impotence is exacerbated in the face of security service repression and administrative processes that attempt to depoliticize civil society and prevent oppositional activities. Since political movements are banned under most authoritarian regimes, Islamic activism becomes a natural vehicle for political discontent. Rooted in established social sites of religious practice and widely accepted values, Islamism represents one of the few remaining effective options for confronting a sense of political exclusion.

Some scholars take the strain argument even further and assert that the precise shape of Islamic activism is directly correlated with the intensity of the crisis. Dekmejian represents this perspective when he argues that, 'The scope and intensity of the fundamentalist reaction, ranging from spiritual awakening to revolutionary violence, depends on the depth and pervasiveness of the crisis environment' [1995:6]. Increased strain is assumed to elicit increased responses whereby individuals seek to reanchor themselves or redress grievances through religion [Esposito, 1992:12-17].

The early socio-psychological approach to the study of social movements met with stark criticism for its overly simplistic formulation of an inexorable linkage between structural strain and movement contention [e.g., McAdam, 1982], a

criticism that is equally applicable to similar approaches in the study of Islamic activism. Systems are not inherently balanced or static, but rather consistently dynamic as they experience the pressures and strains of societal changes, events, and interactions. More importantly, structural strain and the discontent it produces (the alleged catalyst for contentious action) are ubiquitous in all societies (though the precise content varies according to local conditions), yet do not always elicit a movement. In reality, social movements do not correspond to the strain-movement paired logic. In fact, poor countries with limited resources or political freedom often produce few social movements, despite the ubiquity of strain and discontent. Western democracies, on the other hand, which enjoy much higher standards of living, political freedom, and stability, are ripe with robust movements.

Not only did early strain models of social movements ignore the innumerable instances where strains did not actually engender movement mobilization, but they also tended to disregard the purposive, political, and organized dimensions of movement contestation. Movements are not merely psychological coping mechanisms; they are often explicitly focused and directed toward the political arena [McAdam, 1982; Buechler, 1993]. In addition, participants are not 'dysfunctional' individuals seeking psychological comfort, but instead frequently represent educated and well adjusted members of society.

While social movement theory moved to redress this theoretical deficiency, the study of Islamic activism has, to a large extent, remained circumscribed by the inherent limitations of the socio-psychological model. Building on the underlying suppositions of the model, recycled renditions have mostly sought to create more complex lists of strains and grievances. Explanations for the emergence of Islamism no longer narrowly focus on a single category of strains or concomitant discontent (political, socio-economic, or cultural), but rather combine these factors into single explanatory frameworks that include extensive lists of precipitating causes. The massive accumulation of different societal problems makes mobilization seem virtually inevitable.

But by unreflectively replicating the weaknesses of strain based explanations, scholars cannot effectively answer central questions about the emergence and dynamics of Islamic activism. Under conditions of repression, how do movements collectivize individual grievances and mobilize participants? Given similar structural conditions, strains, and grievances, what explains cross-national and diachronic variance in patterns of Islamist mobilization? In shared political contexts, what explains intra-movement tactical differences? Why do some groups use violence while others adamantly eschew violent contention? And why did aggrieved individuals turn to Islamism rather than liberal democracy, nationalism, socialism, or other 'isms'? Questions such as these raise comparative issues about the dynamics of contention that prioritize the mechanisms of collective action. Structural strain and discontent may be necessary, but they are not a sufficient causal explanation for Islamism or other social movements.

Rational Actors and Mobilizing Structures

Resource mobilization theory (RMT) emerged in response to the shortcomings of the early socio-psychological approaches to social movements. Rather than viewing movements as constituted by irrational or psychologically deprived individuals who join in response to structural strains, RMT views movements as rational, organized manifestations of collective action. As an approach, its central contention is that while grievances are ubiquitous, movements are not. As a result, there must be intermediary variables that translate individualized discontent into organized contention. For RMT, resources and mobilizing structures, such as formal social movement organizations (SMOs), are needed to collectivize what would otherwise remain individual grievances. Movements are not seen as irrational outbursts intended to alleviate psychological distress, but rather as organized contention structured through mechanisms of mobilization that provide strategic resources for sustained collective action.

Steeped in western societies, RMT emphasizes the rational and strategic dimensions of social movements in liberal democratic polities [Oberschall, 1973; Gamson, 1975; Jenkins, 1983; McCarthy and Zald, 1987a, 1987b; Tilly, 1978]. Movements create crucibles of mobilization, communication mechanisms, and professional staffs through a process of bureaucratization and institutional differentiation designed to coordinate and organize contention. With a sturdy and enduring infrastructure, formal institutions, resources, organic community organizations, and a division of labour, movements can strategically direct activism to maximize impact and efficaciousness. In cases where resource availability for disempowered collectivities is limited, third party intervention may be necessary to create mobilizing structures [Jenkins and Perrow, 1977]. At the same time, movement entrepreneurs offer selective incentives (material, solidary, as well as purposive) to entice actors to join an SMO, sharply contrasting the rational recruit of RMT with the psychologically distressed joiner of early socio-psychological models.² For both entrepreneurs and professional SMO staffs, employment depends upon the ability of the organization to attract and maintain membership, thus creating a movement business model designed to promote organizational continuity. The consequence of such a formulation is that mature social movements use resources to evolve into organizational models akin to other bureaucratic entities and forms of institutionalized politics.

Although most research on Islamic activism does not directly address RMT debates, scholarship highlights the importance of organizational resources. The mosque, for example, is a central institution for religious practice in Muslim societies and is frequently utilized as a religio-spatial mobilizing structure by various Islamist groups (for example, see Parsa [1989]). Within the physical structure of the mosque, Islamists offer sermons, lessons, and study groups to propagate the movement message, organize collective action, and recruit new joiners. Mosques also provide an organic, national network that connects communities of activists across space. In this manner, mobilization through the

mosque is analogous to the use of churches by the civil rights movement in the United States [McAdam, 1982; Morris, 1984].³

Islamic non-governmental organizations (NGOs) constitute another set of widely used Islamist meso-level organizations [Clark, 1995, 2003a; Sullivan, 1994; Shadid, 2001; Wiktorowicz, 2001]. Islamic NGOs, such as medical clinics, hospitals, charity societies, cultural centres, and schools, provide basic goods and services to demonstrate that 'Islam is the solution' to everyday problems in Muslim societies. Within these organizational contexts, Islamists not only provide needed social services (often in areas where state programmes are absent or ineffective), but use social interactions with local communities to propagate ideology and recruit followers as well. In at least a few instances, employment opportunities at Islamic NGOs provide patronage rewards (selective incentives) for loyal constituents, thus reinforcing solidarity ties to the movement. Rooted in socio-economic development activities, these organizations represent a friendly public face that promotes the Islamist message without directly confronting the regime, even though the activities themselves may highlight the inability of the state to effectively address socio-economic problems [Sullivan, 1994]. They also offer concrete, visible examples of what the Islamist movement can provide, in contradistinction to the state's secular modernization failures. Islamic NGOs are commonly used by peaceful, reform minded movements, but they also constitute organizational resources for radical groups such as Hizballah and Hamas ([Shadid, 2001; Robinson, 2003]. Where the regime constrains formal political space, outreach programmes through Islamist grassroots activities can provide tangible resources for mobilization [Wickham, 2002].

Within civil society, Islamists have also mobilized through the structure of professional and students associations [Wickham, 1997; Fahmy, 1998]. Frequently in Muslim countries, these associations function as surrogate political arenas where various social tendencies compete for control of institutional positions and resources. With the decline of leftist ideologies and movements, especially after the end of the cold war, Islamists have successfully gained control over various associations and utilize them to promote the Islamist message, even while providing services to the professional or student body. The movement does not create these organizational resources; rather, it captures and usurps 'potential resources' for movement purposes [Kurzman, 1994].

In addition to these organizational fora, a number of Islamist groups have responded to limited political liberalization measures by mobilizing through political parties [Esposito and Voll, 1996; Robinson, 1997; Akinci, 1999; Langhor, 2001; Lust-Okar, 2001]. While many Islamists reject democracy as un-Islamic, reform-oriented movements have taken advantage of new political openings. In Jordan, for example, the Islamic Action Front (IAF) has demonstrated remarkable electoral strength and organizational capacity since its legalization in 1993. It is the most widely recognized party in the kingdom and has seriously contested municipal and parliamentary elections (despite a national

electoral boycott in 1997). In Turkey, Indonesia, Malaysia, Yemen, and elsewhere, moderate Islamists have demonstrated remarkable skill in mobilizing support through political parties as well [Langhor, 2001]. Even radicals-cum-reformists from the Islamic Group and Islamic Jihad in Egypt have attempted to create political party vehicles (the Shari'a Party and the Islah Party), though state opposition and repression have proved daunting hurdles.

While RMT has tended to emphasize these types of formal organizations, it also accommodates the role of informal institutions and social networks as well. A multitude of studies, for example, highlight the importance of social networks for movement recruitment, particularly in high-risk activism where social ties provide bonds of trust and solidarity and encourage activism [McAdam, 1986]. Still others point to the decentralized, polycephalous, and reticulated structure of movements such as the Pentecostal and black power movements [Gerlach and Hine, 1970]. And a number of scholars have embraced less formal understandings of social movements by conceptualizing informally structured movements as 'social movement communities', understood as 'informal networks of politicized participants who are active in promoting the goals of a social movement outside the boundaries of formal organization' [Buechler, 1990:61]. As opposed to the bureaucratic model of SMOs, social movement communities exhibit 'fluid boundaries, flexible leadership structures, and malleable divisions of labour' [ibid.: 42]. Examples include elements of the women's movement [Buechler, 1990], lesbian feminists [Taylor and Whittier, 1992], some neighbourhood movements [Stoecker, 1995], the alternative health movement [Schneirov and Gezik, 1996], and Earth First! [Ingalsbee, 1996]. At least a few scholars have argued that such informality, as opposed to formal organizations, is more effective for protest since the organizational survival imperatives of SMOs can undermine the purpose of a movement [Piven and Cloward, 1979].

The use of social networks and informal resources for mobilization is especially common in less open polities where visibility is dangerous. In such contexts, formal resources are inviting targets for regime repression and may actually make it easier for security services to undermine the institutional capacity of the movement. As a result, movements may instead use informal institutions and social networks for activism, since such resources are embedded in everyday relationships and thus more impervious to state control [Scott, 1990; Opp and Gern, 1993; Schneider, 1995; Zuo and Benford, 1995; Pfaff, 1996; Loveman, 1998; Zhao, 1998]. In his analysis of the 1989 'revolution' in Eastern Europe, for example, Pfaff finds that in 'societies in which the state virtually eliminates an open public sphere and organization independent of regime control, informal ties are of critical importance. Tightly knit networks nurture collective identities and solidarity, provide informal organization and contacts, and supply information otherwise unavailable to individuals' [1996:99]. Addressing the same question of mobilization under repressive conditions in the Chinese context, Zuo and Benford [1995] find that the Chinese student movement overcame similar impediments by utilizing social networks, campus

study groups, student unions, dormitory networks, and informal communications, such as protest notices, all of which facilitated the social construction of grievances and protest.

An emphasis on informal resources resonates with recent scholarship on Islamic activism. Rather than focusing on formal, public manifestations of Islamism, a number of scholars have emphasized the less visible resources of personal relationships that tend to characterize Muslim societies. In these contexts, informal networks are an indelible component of the social matrix and are frequently used as resources for political, social, and economic purposes [Denoeux, 1993; Ismail, 2000].

Two recent studies highlight the use of informal social relationships for Islamic activism and explicitly address RMT. My own work on Islamic activism in Jordan emphasizes the use of informal social networks as viable mobilization structures and resources for contention [Wiktorowicz, 2001]. Despite political liberalization in 1989, the Jordanian regime has maintained social and political control through the ‘management of collective action’— the manipulation of bureaucratic processes to set limits and channel movement activism in particular, less oppositional, directions. Legal codes and administrative procedures are manipulated to favour the creation of moderate Islamist SMOs while disempowering more radical activists. Radical activists have, in turn, responded to these limitations by mobilizing through informal social networks and institutions. Through a loose web of personal relationships, study circles, and informal meetings, these activists mobilize outside the boundaries of formal institutions. While personalism and informality may ultimately limit the reach of a social movement, social networks provide viable resources for movement survival and activism, especially in contexts where authoritarianism limits formal resource availability.⁴

Janine Clark’s [2003b] study of Islamist women in Yemen explores how individual members of dominant Islamist SMOs, such as Hizb al-Islah and the Islah Charitable Society, use social networks and informal institutions as vehicles for Islamic activism. In particular, SMO activists use *nadwas* (Qur’anic study groups) to reproduce the movement message, support SMO agendas and activities, and engage women through personal relationships. Because *nadwas* are embedded in social networks, they provide informal institutional resources and comfortable micromobilization contexts where women can participate in forms of activism that are not directly tied to formal movement organizations. In many cases, SMO activists break down existing social network ties and reconstruct new relationships through *nadwa* activities to foster supportive communities and shared networks of meaning. Networks are thus more than recruiting devices; they are informal resources that can be utilized by SMOs to support movement goals.

Opportunities and Constraints

Social movements do not operate in a vacuum; they belong to a broader social milieu and context characterized by shifting and fluid configurations of enablements and constraints that structure movement dynamics. Regardless of level of grievances, resource availability, or the prevalence of mobilizing structures, collective actors are both limited and empowered by exogenous factors, which often delimit movement viability and the menu of tactics, actions, and choices. Such understandings contextualize collective action by incorporating the influence of external factors and concomitant structures of opportunity and constraint. While many scholars describe these structures as 'political opportunity structures' and incorporate them into a political process model of social movement mobilization, in practice they encompass cultural, social, and economic factors as well.

Social movement theorists do not necessarily share a common delineation of the most important exogenous factors, but most scholarship in this area focuses on 'the opening and closing of political space and its institutional and substantive location' [Gamson and Meyer, 1996:277]. Some of the most cited variables in determining access to political space include the level of formal and informal access to political institutions and decision-making, the degree of political system receptivity to challenger groups, the prevalence of allies and opponents, the stability of the ruling elite coalition, the nature of state repression, and state institutional capacity [Tilly, 1978; Kitschelt, 1986; Tarrow, 1994; McAdam *et al.*, 1996a]. While these dimensions may impact social movements by either opening or closing possibilities for activism, movement responses are contingent upon recognition and interpretation of opportunities and threats [Kurzban, 1996; McAdam *et al.*, 2001].

Although this approach focuses its attention on structural factors, it shares similar assumptions with RMT. In particular, despite the micro-macro differences between the two approaches, they both share an underlying assumption that social movement contention derives from rational actors. For RMT, movement entrepreneurs construct SMOs and institutional infrastructure and strategically mobilize resources and personnel to produce efficacious choices and actions, whether for individual preferences or movement goals. Movement participants are not irrational, but rather join because of a variety of incentives and goals. Similarly, while a structuralist analysis of social movements is primarily concerned with the ways in which structural conditions shape social movement dynamics, there is an assumption that actors, once they perceive opportunities and threats, will respond rationally to maximize openings or limit adversity [Berejikian, 1992]. A focus on structural factors is thus an additive piece of an overall understanding of social movements and reflects a difference in emphasis, rather than a fundamental ontological disagreement.

Since the late 1990s, a number of scholars have shifted to reconceptualize Islamists as strategic thinkers embedded in a political context, which influences

choices and decisions [Anderson, 1997; Alexander, 2000; Ismail, 2001]. Recent research, for example, has demonstrated that despite widely accepted understandings of Hamas as an uncompromising movement trapped by rigid adherence to doctrine, the movement has strategically responded to changes in the surrounding political context. Prior to the intifada that began in 2000, there was growing popular support for the peace process, which posed a dilemma for the movement. Strict adherence and an intransigent position *vis-à-vis* peace was likely to erode the support of bystander publics that sought an end to the economic and social hardships of occupation, thus threatening the organizational survival of Hamas as an alternative to Arafat and his supporters. As a result, Hamas tactically adjusted its doctrine to accommodate the possibility of peace with Israel by framing peace as a temporary pause in the *jihād* that would strengthen Muslim forces before a final assault. Islamic concepts such as *sabr* (patience) and *hudna* (truce) were used to legitimize doctrinal flexibility within the overall objectives of the movement [Mishal and Sela, 2000; also Hroub, 2000]. The uprising and escalation of violence that started in September 2000 increased public support for Hamas and provided an opportunity for the movement to reinstate earlier militant positions and actions. Additional studies of the Armed Islamic Group in Algeria [Kalyvas, 1999] and the Islamic Group in Egypt [Hafez and Wiktorowicz, 2003] concur that radicals respond rationally and strategically to structures of opportunity. At least a few studies of moderate Islamist groups also depict activists as strategic thinkers who are affected by opportunities and constraints [Mufti, 1999; Alexander, 2000].

Framing Processes

Since the 1980s, social movement theorists have been interested in the role of ideational factors, including social interaction, meaning, and culture [Morris and Mueller, 1992; Laraña *et al.*, 1994; Johnston and Klandermans, 1995]. In addition to the strategic and structuralist dimensions of mobilization outlined in RMT and the political process model, social movement theory has increasingly addressed how individual participants conceptualize themselves as a collectivity; how potential participants are actually convinced to participate; and the ways in which meaning is produced, articulated, and disseminated by movement actors through interactive processes. In the development of a theoretical approach to social movements, this interest has predominantly manifested itself through the study of framing.

Frames represent interpretive schemata that offer a language and cognitive tools for making sense of experiences and events in the 'world out there'. For social movements, these schemata are important in the production and dissemination of movement interpretations and are designed to mobilize participants and support. As signifying agents engaged in the social construction of meaning, movements must articulate and disseminate frameworks of understanding that resonate with potential participants and broader publics to

elicit collective action. Although extant ideas or ideologies may underlie contentious action, they are arranged and socially processed through grammatical constructs and interpretive lenses that create intersubjective meaning and facilitate movement goals. The term ‘framing’ is used to describe this process of meaning construction [Snow *et al.*, 1986; Snow and Benford, 1988; 1992; 2000; Williams and Benford, 2000].

David Snow and Robert Benford [1988] identify three core framing tasks for social movements. First, movements construct frames that diagnose a condition as a problem in need of redress. This includes attributions of responsibility and targets of blame. Second, movements offer solutions to the problem, including specific tactics and strategies intended to serve as remedies to ameliorate injustice. And third, movements provide a rationale to motivate support and collective action. While potential participants may share common understandings about causation and solutions to a particular problem, motivational frames are needed to convince potential participants to actually engage in activism, thereby transforming bystander publics into movement participants.

One of the most critical dimensions of the framing process for movement mobilization is frame resonance. The ability of a movement to transform a mobilization potential into actual mobilization is contingent upon the capacity of a frame to resonate with potential participants. Where a movement frame draws upon indigenous cultural symbols, language, and identities, it is more likely to reverberate with prospective joiners, thus enhancing mobilization. Such reverberation, however, depends upon not only its consistency with cultural narratives, but also the reputation of the individual or group responsible for articulating the frame, the personal salience of the frame for potential participants, the consistency of the frame, and the frame’s empirical credibility in real life [Benford and Snow, 2000:619–22].

Islamist movements are heavily involved in the production of meaning and concomitant framing processes. Like many ‘new social movements’ driven by issues of identity, culture, and post-materialism (as opposed to class, economic, or narrow political interests) [Laraña *et al.*, 1994], Islamist movements are embroiled in struggles over meaning and values. While a great deal of research has focused upon politicized movements that seek to create an Islamic state, the core imperative of Islamist movements is a desire to create a society governed and guided by the shari’a (Islamic law). Control and reconstruction of state institutions may be an effective instrument for accomplishing this transformation, but it is only one of many routes for change. In other words, the state is a means for the production of meaning, not an end. In fact, most Islamist struggles are waged through society and cultural discourse rather than state institutions or government decision-making bodies. Such efforts challenge dominant cultural codes and create shared networks of meaning about the proper functions of society, groups, and the individual [Melucci, 1996].

An important component of most Islamist diagnostic frames is to blame the spread of western values and practices for a wide variety of social ills, including

rising unemployment, stagnant economic development, soaring debt, housing shortages, dwindling public social and welfare expenditures, and so forth. The argument is that the true path to development and success is outlined in the sources of Islam. So long as Muslims follow this straight path, they will be rewarded for their faithfulness. The onslaught of western cultural codes, however, erodes the sanctity of Islamic mores and devalues the very Muslim institutions and social relationships necessary for a healthy society. Following or mimicking western practices (styles of dress, culture, public behaviour, etc.) is thus viewed as an egregious departure from Islam and the cause of crisis [Wiktorowicz and Taji-Farouki, 2000].

Most frames go a step further and argue that this process of cultural imperialism is a conscious western strategy to weaken Muslim societies for economic, political, and military purposes. International institutions, media outlets, the marketplace, and secular modernization projects are all framed as vehicles for the strategic infusion of alien value systems calculated to undermine the strength of Islam. For Islamists, the ultimate manifestation of this imperialist design is western support for pliant 'non-Islamic' regimes, which are framed as western puppets controlled through International Monetary Fund structural adjustment programmes, western foreign aid, and U.S. military forces. From this perspective, regimes are merely extensions of western interests determined to weaken and control Muslim societies [Burgat and Dowell, 1993].

Social movements, however, are embedded in a field of multiple actors that often vie for framing hegemony. Frequent disagreements and framing contests over meaning encourage competitive pressures as various groups produce and disseminate interpretive schemata [Benford, 1993]. Such competition takes place not only between a movement and its adversaries, but within the movement itself as well. Intramovement divisions (such as hardliner–softliner, conservative-liberal, old–young, ideologue-pragmatic) can create internal framing disputes as each faction attempts to assert its own frame for movement-wide adoption. Prognostic framing, in particular, tends to produce numerous intramovement framing disputes. While social movements often share a common understanding about responsibility for a problem, there is far less cohesion over strategies and tactics [Benford, 1993; Benford and Snow, 2000:625–27].

Prognostic framing differences are common among Islamists. Most concur that some break with the West is necessary and that 'Islam is the solution,' but there are important divergences over specific tactics and strategies. Some groups, for example, believe that the transformation of individual beliefs will eventually affect broader circles over time. Thus missionary movements, such as Jama'at Tabligh, focus on *da'wa* (propagation) to affect shifts in individual attitudes toward the role of religion in regulating society and personal behaviour. The hope is that these individuals will then promote proper Islamic practices among friends, families, neighbours, communities, and other collectivities. Eventually, this process expands to incorporate the entire society, after which point state institutions naturally evolve to accommodate shari'a principles. Other

groups advocate formal political participation to restructure state policy and institutions. Advocates of this approach typically have formed political parties and successfully contested elections (where possible). Many such groups also rely upon grassroots activities as tangible manifestations of Islam in action and frame participation in terms of a 'new ethic of civic obligation' [Wickham, 2002]. Still others advance violent prognostic frames that support the use of military coups or revolutions. Particular Islamist groups may support multiple tactics or shift prognostications, but the existence of multiple prognostic frames is the cause of a great deal of internal conflict and competition.

In addition to intramovement framing contests, social movement groups often compete with 'official frames' as well [Noakes, 2000]. Because regimes throughout the Muslim world depend on Islam in a variety of ways for legitimation, they are actively engaged in what Dale Eickelman and James Piscatori term 'Muslim politics'—'the competition and contest over both the interpretation of symbols and the control of the institutions, both formal and informal, that produce and sustain them' [1996:5]. In an effort to maintain this source of legitimacy, regimes articulate innocuous frames that support regime interests and power. These frames do not call for broad societal or state transformations, but rather emphasize individual piety and concern for personal salvation, thus supporting a politically quiescent variant of Islam. At the same time, regimes also attempt to limit the institutional resources and public space available for the dissemination of alternative frames that could challenge regime legitimacy. State control of mosques, sermons, and other public religious institutions and practices is designed to amplify regime frames while muting other perspectives.

As with other social movements, the success of Islamist groups *vis-à-vis* the state to a large extent derives from the reputation of frame articulators and the use of publicly recognized symbols and language that tap into cultural experiences and collective memories. Failed modernization experiments and political repression have eroded popular support for regimes in the Muslim world; and although many Muslims still follow publicly employed '*ulamâ*' (religious scholars), *muftis* (Islamic legal experts), and imams (prayer leaders), 'official Islam' has lost credibility among disaffected and marginalized communities. These collectivities instead frequently turn to 'popular' Islam and reputable community leaders, including Islamic activists. To maximize access to these discontented populations, Islamists have in many cases melded religious themes with nonreligious elements to garner broad support among those who are merely seeking a change from the status quo rather than an Islamic transformation. Meriem Vergès [1997], for example, shows how the Islamic Salvation Front (FIS) in Algeria strategically framed itself as the heir to the revolutionary mantle of the war of independence. Using the language and symbols of the revolution, the FIS attempted to portray itself as a natural extension of the struggle while denouncing the regime as an usurper of Algeria's historic memory. In less auspicious political conditions, Islamists may avoid

publicly denouncing a regime and instead produce ‘clandestine frames’ via safe social sites that can escape state surveillance [Tehami, 1998].

The use of framing by Islamist groups reflects the cultural and ideational components of contentious politics; and while frames alone do not explain every dimension of collective action, they are important interpretive devices that translate grievances and perceived opportunities into the mobilization of resources and movement activism. To be sure, there are still boisterous debates about whether frames alone have an explanatory value, whether they are *post-hoc* justifications to take advantage of opportunities, the differences between ‘frames’ and ‘framing’, and the degree of analytic precision, but this area of research has provided a useful tool for examining the interaction of ideas and mobilization.

A New Direction for Research

Together, resource availability, mobilizing structures, opportunity structures, and framing constitute the elements of what has become a hegemonic framework for studying social movements (even if only loosely understood as such). For the most part, the dominant approach has abandoned a focus on strains and discontent in favour of other dimensions, but these factors are still none the less understood as the initial catalyst for movement mobilization. Each part of the social movement puzzle is used in conjunction with others to provide what is widely seen as a comprehensive framework for understanding social movement contention. To be sure, critics abound [Goodwin and Jasper, 1999; McAdam *et al.*, 2001], but broad acceptance of these elements has led many to claim a ‘synthetic, comparative perspective on social movements that transcends the limits of any single theoretical approach to the topic’ [McAdam *et al.*, 1996b: 2]. Whether or not this claim is accurate, the various components provide at least a starting point for the incorporation of Islamic activism into SMT.

Although research on Islamic activism has yet to fully address social movement theory as a unifying research agenda, there are signs of a growing convergence from two directions. First, social movement theorists have increasingly expressed interest in studying non-Western contention. Dominated by empirical research in the United States and Western Europe, social movement theory building has been historically contextualized by liberal democratic politics and western societies, thus narrowing the generalizability of findings and conclusions. As several social movement scholars lament, ‘The new comparative riches available to movement scholars are based, almost exclusively, on research rooted in core democracies and focused primarily on contemporary movements... If our understanding of collective action dynamics has benefited as much as we contend from comparing cases across this relatively homogeneous set of politics, imagine what we are likely to learn from broadening our perspective to include those set in very different times and places’ [McAdam *et al.*, 1996b: xii; also McAdam *et al.*, 1997:143]. Although the universe of cases has expanded since

the 1980s and 1990s to incorporate less open polities and non-western societies, in Latin America, Eastern Europe, and Asia [e.g., Schneider, 1995; McAdam *et al.*, 1996; Perry and Xun, 1997], it has yet to fully include Islamic activism as an area of research (with the exception of Iran), despite the global ubiquity of Islamist movements.

This oversight is changing. Since the September 11 attacks, Islamic activism has received frenetic interest among social movement theorists. Theorists have effectively elucidated the dynamics of an extraordinary number of different movements; but with little substantive knowledge about Islamism, they struggle to apply accepted theories and concepts to the analysis of an unfamiliar empirical phenomenon. While a small handful of social movement scholars have consistently expressed interest in applying their craft to Islamic activism, even prior to September 11, the chorus of interested voices has grown dramatically since the attacks.⁵

The second direction of interest comes from Islamic activism specialists. In recent years, a number of social science scholars (in Middle East Studies in particular) have sought to enhance theoretical rigor by fully incorporating the study of Islamism in social movement theory debates. Such an approach would avail itself of the rich array of concepts, frameworks, and research traditions from social movement theory. Whereas most publications on Islamist movements assume that a particular set of grievances, translated into religious idioms and symbols, engenders mobilization, various generations of social movement theory and concomitant debates have demonstrated that other factors are inextricably linked to mobilization patterns, including resource availability, framing resonance, and shifts in the political opportunity structure. By engaging social movement theory, social scientists have developed more sophisticated tools of analysis and a deeper comprehension of the dynamics of Islamist contention.

In pursuing this endeavor, however, it is important to avoid unreflectively adopting the dominant social movement theory framework to study Islamism. Certainly, social movement theory has much to offer, but work that simply replicates or marginally refines accepted theoretical approaches seems to offer little in the way of theoretical innovations. At best, it constitutes theoretical tinkering. At worst, it allows a form of social movement theory colonization in which dominant social science frameworks are narrowly imported into new empirical territory. Students of Islamic activism are indeed eager to normalize and 'de-essentialize' Islamism as comparable to other forms of social movement contention, but the impact of a social movement theory approach is best directed toward areas of research where Islamic activism specialists have a comparative advantage. Specifically, specialists seem to have a comparative advantage in: (1) well-trodden areas of research on Islamism that influence social movement dynamics but have yet to be fully explored by social movement theory; and (2) cutting-edge areas of research where the specific topic of Islamism seems fertile for theory building. The following offers only a few possibilities.

The Role of Ideology

In the haste to conceptualize social movements as constituted by rational actors responding to opportunities and threats, scholars have downplayed the ideational motivation for collective action, often portraying it as epiphenomenal to contention. Typically, ideas are incorporated into dominant models only in so far as they constitute a cultural resource for framing, in many cases collapsing 'ideology' and 'frame' into a single concept such as 'ideological frames' (for a discussion of this issue, see Oliver and Johnston [2000]; Johnston and Oliver [2000]; Snow and Benford [2000]). The impact of ideology on the dynamics and patterns of activism has, for the most part, received little treatment in the dominant social movement theory framework.

But ideology provides a relatively stable set of ideas that set parameters for what is imaginable among movement participants.⁶ Deeply rooted ideological beliefs can structure individual world-views, thereby influencing the kinds of cognitively recognized choices that are available in responding to particular conditions. This is in sharp contrast to frames, which are orienting constructs as opposed to the relatively stable systems of ideas that underlie beliefs about society [Oliver and Johnston, 2000].

Frames, in fact, can at times be manipulated to mask true ideological intent. For example, the white separatist movement in the United States adopted a master frame of cultural pluralism to attract conservative white support. Couched in the language of respecting and protecting cultural differences, white separatists publicly claimed respect for all races and argued that as part of the multicultural fabric of America the distinctiveness of white culture should be celebrated with pride. The underlying ideology of the movement, predicated upon racism and hatred, however, remained consistent [Berbrier, 1998]. Ideology and frames are thus distinct concepts, and greater elaboration is necessary to understand the interactions of frames and ideology and how the latter might impact the dynamics of contention.

Work on Islamic activism seems particularly well suited to this area of research. Religiously inspired movements in general are strongly driven by spiritual visions of the good society and the afterlife and offer possible empirical fields for testing the relationships between ideology and other dynamics of contention. Islamist movements clearly indicate that despite objective shifts in opportunity structures that provide openings, responses are at least in part circumscribed by ideas and beliefs. Thus, for example, moderate Islamist groups have taken advantage of political liberalization opportunities to form political parties because reformist ideologies permit the possibility of democratic participation, even if only narrowly conceptualized as shura (consultation). On the other hand, more puritanical ideological groupings, such as the Salafis, argue that democracy is antithetical to Islam because it implies rule by the people, rather than rule by God. Such a distinction indicates that while Islamists may represent rational actors and respond to opportunity structures, the menu of

possible responses are often limited by ideological parameters that may render some choices unimaginable.

Transnational Movements and Globalization

There is growing interest in studying the impact of globalization on social movements [Guidry *et al.*, 2000]. In particular, as state sovereignty erodes and new technologies facilitate the transformation of space, collective mobilization has become increasingly transnational. Whether understood as transnational advocacy networks [Keck and Sikkink, 1998; Tarrow, 1998] or more amorphous forms of contentious politics, many social movements have mobilized across state borders in the pursuit of movement goals. The transnationalization of contention is at times a response to the emerging power of international institutions, such as the World Trade Organization and European Union, which become targets of activism. Other factors also influence this transnationalization, including the development of a global civil society, the crossnational diffusion of ideas and values (such as democracy and human rights) [McAdam and Rucht, 1993], the development of a transnational public sphere, and new communication technologies.

Like other social movements, Islamist groups have experienced transnationalization [Eickelman, 1997].⁷ The war in Afghanistan against the Soviet Union, for example, created the transnational community of radical activists that constitutes the underlying base of support for the al-Qa'ida network. Radicals and non-radicals alike use new media and technologies to redefine Muslim publics and foster international connections among like minded individuals [Eickelman and Anderson, 1999]. The internet, in particular, has fostered communication, the exchange of ideas, and publications to promote transnational understandings of community purpose. And the development of Muslim immigrant communities in western liberal democracies has raised important questions about how we understand the 'Muslim World', the goals of Islamic activism, and the dynamics of Islamist contention [Kepel, 1997]. Examples such as these indicate that the terrain of transnational Islamism offers robust empirical ground for understanding the impact of globalization on the dynamics of social movement contention.

Movement Violence

There has been a recent effort among social movement theorists to integrate the study of social movements, revolutions, rebellions, and other forms of collective action under the rubric 'contentious politics' [McAdam *et al.*, 2001]. This conceptualization views the various forms of contention as part of a 'collective action family' whose members share similar underlying mechanisms, processes, and dynamics. Such an understanding collapses the bifurcation that has tended to

exist between the study of violent and nonviolent contention and looks for shared underlying mechanisms.

The study of Islamic activism, particularly its radical variants, is well suited to contribute to an understanding of violence and contentious politics. Not only has Islamist violence proliferated since the 1970s, but its dynamics create interesting avenues of inquiry for research on social movements as well. Social movements, especially under conditions of repression, may adopt both violent and non-violent actions. While providing social services to communities, movements may also support a militant wing responsible for violent engagements. The Irish Republican Army, for example, provided an assortment of welfare services to nationalist communities in Northern Ireland while at the same time attacking British and unionist targets. Such connections are commonly found among radical Islamist groups in the Middle East as well, especially those tied to broader nationalist causes. Both Hamas and Hizballah, for example, spend the majority of their financial resources on social services such as hospitals, medical clinics, educational facilities, and charitable associations, even though they are known in western circles for acts of violence. In many instances, radical Islamists are embedded in broader movements that include non-violent groups as well, creating an assortment of complex intramovement dynamics that have yet to be explored. Understanding the full scope of movement dynamics in such cases necessitates dissolving the academic distinction between violent and non-violent forms of contention [McAdam *et al.*, 2001; Tilly, 2003].

Although the above examples point to a few robust areas of future research, the study of Islamic activism seems to have comparative advantages in a number of other areas as well. Interest in identity and identity formation [Stryker *et al.*, 2000], for example, finds ample material in the study of Islamism where various Islamist groups contest group identity boundaries and conceptions of self [Schwedler, 2001]. And one cannot ignore the incredible emotional content of Islamic activism, thus providing plenty of empirical material for the study of 'passionate politics' [Goodwin *et al.*, 2001]. The research areas discussed above are not meant to marginalize other possibilities, but rather serve as a starting point for work that can contribute something new to scholarship.

For years, social movement theory and the study of Islamic activism have moved in similar analytic directions, yet have remained, for the most part, distinct enterprises. There is recent movement, however, toward a useful convergence that offers substantive possibilities for theory building. Not only does social movement theory provide a comparative framework and analytic tools for comprehending the multifaceted dynamics of Islamic activism, but the study of Islamic activism offers new empirical terrain and raises interesting questions that social movement theory has yet to fully address as well. In bringing these two fields of inquiry together, a social movement theory approach to Islamic activism can synthesize the comparative advantages of specialists with an experienced research agenda to enhance our understanding of not only Islamism, but non-Islamist contention as well.

NOTES

1. For a rendition of this perspective that discusses Islamism in terms of regional cultural differences, see Fandy [1994].
2. For selective incentives, see Olson [1965].
3. The use of the mosque as a 'free space' for Islamist movements, however, has declined in recent years as regimes extend state control over public religious institutions through the regulation of imam appointments, sermons, and mosque-based activities [Piscatori, 1983; Wiktorowicz, 2001: Ch.2].
4. This survival is not limited to informal social networks. Munson [2002], for example, shows how the Muslim Brotherhood in Egypt utilized a decentralized (formal) organizational structure that facilitated movement survival during periods of regime repression.
5. Prior to the attacks, early publications by Snow and Marshall [1984] as well as conferences held at NYU and in France over the past few years have expressed interest in synthesizing social movement theory and research on Islamism.
6. For a related argument with respect to the structuring of cultural challenges, see Polleta [1997].
7. Transnational Islam has a long history in the Muslim world. The proliferation of Sufi *tariqas* (orders), publications and cassettes, missionary work, conferences, education, and the Hajj have all created transnational connections. An emphasis on the broad Muslim spiritual community, the umma, itself implies important transnational relationships.

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Notes on Contributors

Annabelle Böttcher received her Ph.D. in Political Science, Islamic Studies and International Law from Freiburg University (Germany); 1993–97 research officer at the French Research Center in Damascus (Syria); 1997–98 fellow at Harvard University; 1998–99 research associate at the Orient-Institute in Beirut (Lebanon); 1999–2000 fellow at Harvard University; 2000–2001 research associate and lecturer at the University of Saint-Joseph in Beirut (Lebanon); 2001–2003 lecturer at the Institute for Islamic Studies, Free University of Berlin (Germany). *Sunni Islam in Syria under Asad* (revised, English version; Ph.D. dissertation, University of Freiburg, 1998); ‘Portraits of Kurdish Women in Contemporary Sufism’, in Shahrzad Mojab (ed.), *Women of a NonState Nation: The Kurds* (Costa Mesa, CA: MAZDA Publishers; Kurdish Studies Series, No.3, 2002), pp. 195–208; ‘Yashrutiiyya’, in *Encyclopedia Islamica*, New edition, Vol.XI, Fasc.183–4 (Leiden: Brill, 2001), pp.298–9; ‘Official Shi’i and Sunni Islam in Syria’ (EUI Working Paper Series, Mediterranean Programme, Robert Schuman Centre for Advanced Studies, European University Institute, San Domenico di Fiesole, Italy, 2002).

Gary Bunt is a lecturer in the Department of Theology, Religious Studies and Islamic Studies, University of Wales, Lampeter, UK. Publications include *Virtually Islamic: Computer-mediated Communication and Cyber Islamic Environments* (Cardiff: University of Wales Press, 2000; Karachi: Oxford University Press, 2002) and *The Good Web Guide to World Religions* (London: The Good Web Guide, 2001).

Robert Gleave has, since 1995, been Lecturer in Islamic Studies in the Department of Theology and Religious Studies, University of Bristol, UK. He gained his Ph.D. from the University of Bristol on aspects of Shi’ite Muslim legal theory. His main areas of research are Shi’ism, Islamic Law and the pre-modern and modern history of Iranian religious thought. He is author of *Inevitable Doubt: Two Theories of Shi’i Jurisprudence* (Leiden, 2000) and co-editor of *Islamic Law: Theory and Practice* (London, 1997).

Fred Halliday is Professor of International Relations at the London School of Economics. His books include *Islam and the Myth of Confrontation* (London: I.B.Tauris, 1996), *Nation and Religion in the Middle East* (London: Saqi, 2000) and *Two Hours That Shook the World: 11 September 2001—Causes and*

Consequences (London: Saqi, 2001). All three of these books have been published in Arabic translation.

Ann Elizabeth Mayer earned a Ph.D. in Middle Eastern History from the University of Michigan in 1978; a Certificate in Islamic and Comparative Law from the School of Oriental and African Studies in 1977; and a J.D. from the Law School of the University of Pennsylvania in 1975. An Associate Professor of Legal Studies at the Wharton School, she has published extensively on law in the contemporary Middle East. Her book *Islam and Human Rights: Tradition and Politics* (Boulder, CO: Westview, 1999) is in its third edition.

Jorgen S. Nielsen is Professor of Islamic Studies, Centre for the Study of Islam and Christian-Muslim Relations, and deputy head of the Department of Theology, University of Birmingham, UK. His current research is concentrating on the Islamic debate on religious pluralism and relations with the West. Most recent publications include: *Muslims in Western Europe* (Edinburgh University Press, 1992; Second Edition 1995); (as joint editor) *Muslim Networks and Transnational Communities in and across Europe* (Leiden: Brill, 2003); (as joint editor) *Arabs and the West: Mutual Images* (Amman: University of Jordan, 1998); *Towards a European Islam* (London: Macmillan, 1999).

Rudolph Peters is professor of Islamic studies at the University of Amsterdam. He specializes in Islamic law and nineteenth and twentieth-century Islam. From 1982 to 1987, he was the director of the Dutch-Flemish Institute for Archeology and Arabic Studies in Cairo. Research includes works on jihad, Islamic political movements, Islamic law and 19th century Egyptian history. Most recent publications include: *Jihad in Classical and Modern Islam* (Princeton, NJ: Markus Wiener Publishers, 1996); 'Islamic Law and Human Rights: A Contribution to an Ongoing Debate', *Islam and Christian-Muslim Relations* 10 (1999), pp.5–14; "'For his Correction and as a Deterrent Example to Others': Mehmed 'Ali's First Criminal Legislation (1829–1830)", *Islamic Law and Society* 6 (1999), pp.164–93; 'Administrators and Magistrates: The Development of a Secular Judiciary in Egypt, 1842–1871', *Die Welt des Islams* 39 (1999), pp.378–97; 'Prisons and Marginalisation in Nineteenth Century Egypt', in Eugene Rogan (ed.), *Outside In: On the Margins of the Modern Middle East* (London, 2002), pp.31–53.

B.A. Roberson is Lecturer in International Relations at the University of Warwick, UK. She has been a Visiting Fellow at the Center for Middle Eastern Studies, Harvard University, USA in 2000 and 2002–2003. Publications include: *The Middle East and Europe: The Power Deficit*, (as editor) (Routledge, 1998); Revised paperback edition of *International Society and the Development of International Relations Theory* (as editor) (Pinter Publishers, 1998, revised 2002 under the imprint of Continuum); 'Impact of the International System on the Middle East', in *Foreign Policies of the Arab States*, edited by Anoush Ehteshami and Raymond Hinnebusch (Lynne Rienner, 2002); Author of 15 entries in *The Concise Oxford Dictionary of Politics*, edited by Iain McLean (Oxford University Press; 1996, revised 2002).

Quintan Wiktorowicz is Assistant Professor of International Studies at Rhodes College in Memphis, TN, USA. He is author of *The Management of Islamic Activism* and *Global Jihad: Understanding September 11* and editor of *Islamic Activism: A Social Movement Theory Approach* (Indiana University Press, 2003). He is currently conducting research on radical Islamic groups in London.

Rodney Wilson is Professor of Economics in the University of Durham's Institute for Middle Eastern and Islamic Studies. He has worked for the Islamic Development Bank in Jeddah, and currently chairs the academic committee of the Institute of Islamic Banking and Insurance in London. His recent work includes business reports on *Islamic Finance* (1997) and *Banking and Finance in the Middle East* (1998) for Financial Times Publications, London. He has co-edited a six-volume series on *The Political Economy of the Middle East* (Cheltenham: Edward Elgar, 1999), Volume 3 of which is on Islamic economics. His recent articles include: 'The Interface between Islamic and Conventional Banking', in Munawar Iqbal and David T.Llewellyn, *Islamic Banking and Finance: New Perspectives on Profit Sharing and Risk* (Edward Elgar, 2002), pp. 196–212; 'The Challenges of the Global Economy for Middle East Governments', in Toby Dodge and Richard Higgott (eds.), *Globalisation and the Middle East* (London: Royal Institute of International Affairs, 2002), pp.188–208; 'Arab Banking and Capital Market Development'. in Peter Cornelius (ed.), *Arab World Competitiveness Report* (Oxford: Oxford University Press, 2002), pp.96–113, and 'The Evolution of the Islamic Financial System', in Simon Archer and Rifaat Abdel Karim (eds.), *Islamic Finance: Innovation and Growth* (London: Euromoney Books, 2002), pp.29–41.

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